

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
ORGANIZATIONAL SESSION 1971
FIRST SPECIAL SESSION 1971
REGULAR SESSION 1971
SECOND SPECIAL SESSION 1971
THIRD SPECIAL SESSION 1971

IN FIVE VOLUMES

VOL. I



GEORGE C. WALLACE, Governor
JERE BEASLEY, Lieutenant Governor
PIERRE PELHAM, President Pro-Tem of the Senate
TOM GLOOR, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1971 Organizational Session, 1971 Special Sessions and the 1971 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Mabel Amos
Secretary of State.

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MESSAGE OF GOVERNOR ALBERT P. BREWER
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT ORGANIZATIONAL SESSION JANUARY 13, 1971

Mr. President, Mr. Speaker, Members of the Joint Session,
Ladies and Gentlemen:

The beginning of a new administration in Alabama has historically been an exciting time, a time when a new Governor and a new Legislature assume the reins of State Government, when anticipation becomes action, when political philosophies become goals, when campaign platforms become programs, when ever-changing opportunities for service offer constant challenge for creative thought and direction.

We are now at that time, and there is passed on to you and to the new administration the mantle of responsibility for governing the 3½ million people who are Alabama, a great people, a worthy people, a people whom you are fortunate to serve and who are fortunate to have you serve them. Certainly my warmest good wishes and my pledge of personal cooperation go to you as you serve during the ensuing four years.

While historians will pass judgment upon the record of my administration (from frankly a far better perspective than any of us can enjoy), still I have the responsibility of reporting to you on the condition of our State and also sharing with you some recommendations, based upon my experience as Chief Executive, which I hope will be helpful to you in your deliberations.

At the outset I want to publicly pay tribute to my Cabinet. No other Governor has been blessed with people of more dedication and integrity. The progress our State has enjoyed in so many areas during my administration is due in large part to their efforts, and as I commend them publicly, I feel a sense of personal appreciation which words cannot express.

And also I want to pay tribute to the men and women who are the State employees, the civil servants who keep the wheels of State Government running and whose intense pride in serving the people of Alabama is reflected in the continual upgrading and expansion of State services to all the people of our State.

You will be furnished detailed reports from each of the State departments. Through these reports you will have available an analysis of the operation of each of the departments, its accomplishments and its needs.

The goal of government must be to serve the people, and the goal of my administration has been to seek better ways to provide better services to the people of Alabama in all areas where Government touches and influences their individual lives.

Believing strongly that education is the foundation on which people prepare themselves for opportunity, I early resolved that our goal in Alabama should be for each child in our State to have an educational opportunity equal to that which any child can obtain in any state in this Nation. Thus our first attention was given to public education with a view toward providing not just more money for education but more education for our money, with a view toward bringing new ideas and new techniques into our educational effort. With the cooperation of the Legislature the most successful session for education in the history of our State, held in early 1969, resulted in the enactment of local effort legislation placing upon each county in our State the responsibility of providing significant local support for its public schools; changing the distribution of minimum program funds so that each child in each school system in Alabama now receives the same amount of state support for his education; increasing our expenditures for public education in this biennium by over \$180 million; the approval of a Constitutional amendment providing for the election of members of the State Board of Education and the appointment by the elected State Board of the State Superintendent; the creation of the Commission on Higher Education; and the creation of a permanent Education Study Commission.

But it does us little good to educate our people if we do not also provide jobs and opportunities for them here in Alabama. The creation of the Alabama Development Office provided a State agency with responsibility for coordinating statewide planning and development, including all federal programs, technical assistance to local communities, and an aggressive, well-organized industrial development agency. As Governor I participated actively in our industrial development efforts, and our record has been remarkable—in the thirty-two months of the Brewer Administration we have seen \$1,129,512,000 invested in new and expanded industry in Alabama with jobs for 69,606 of our people.

The economic development of our State is dependent upon the commerce and transportation facilities available. The development of our highways and of our waterways is critical to our future.

Taking advantage of available federal funds, this administration in the last two years has let to contract \$355,988,000 of

highway construction projects, more than in any previous four-year period in our State's history.

The last legislature authorized a \$25 million bridge program to replace some hazardous and inadequate bridges, and these funds have been committed to five desperately needed projects. Many other hazardous bridges are in use today in Alabama and need replacing. I hope that you will consider these needs as you consider related highway matters.

The matter of safety on our highways is one of continuing concern to all of us. Highway safety generally involves two aspects: (1), the enforcement of our rules of the road; and (2), the education of our people toward good driving habits.

The Department of Public Safety, one of the finest in the nation, has been substantially upgraded with additions in personnel, the expansion of the cadet training program, the provision of new equipment, and substantial increases in salaries. In fact, every State Trooper in Alabama is making at least \$1200 more a year now than he was making when I became Governor, and every trooper has modern equipment now including his patrol car.

We have greatly expanded the driver education program so that every high school student in Alabama has this instruction available to him. The Legislature, being mindful of the fact that drinking drivers are involved in over 50 percent of the fatal accidents in Alabama, finally enacted in 1969 the Implied Consent Law which has given us a weapon to combat those who abuse the privilege of using our highways. This same Legislature passed a school bus safety law designed to insure that our students can go to and from school with the maximum of safety.

And what does this all add up to? It adds up to lives saved. In 1970 we had 94 fewer fatalities on our highways than the previous year, and this in spite of the fact that there was a substantial increase in automobile registration. In fact, the 1970 fatality record was the lowest since 1967. Thus we are making progress in our efforts to make our highways safer for our people . . . we are saving lives.

We have continued to expand the State Docks at Mobile and to develop our system of inland docks. Earnings at the Mobile Docks are at an all-time high, and additional ore-handling facilities are under construction at Theodore together with capital improvements for bulk handling facilities in Mobile. Grain elevators are under construction at Selma, Phenix City, Columbia, Demopolis, and Tuscaloosa, and a new State Docks is being constructed here in Montgomery.

Last year I had the privilege of meeting with the Director of the Bureau of the Budget in Washington, along with others who were interested in the Tennessee-Tombigbee Waterway. As a result of that meeting construction funds were appropriated by the Congress for this vitally needed link between Mobile and the Mid-Continent United States. Hopefully, construction will begin within the next twelve months, and when completed, this waterway will open the heartland of America to the ports of commerce throughout the world through our own State Docks at Mobile.

Similar development of the Coosa-Alabama Waterway is now in progress. Legislation has been adopted to provide for the State's participation in this undertaking. The Alabama River is now navigable to Montgomery, and as this development proceeds northerly along the Coosa, significant economic growth can be expected through this area of Alabama.

One of the most serious problems confronting you relates to our environment. This has been a time of great concern with the problems of our environment. Our State has experienced vast fish kills, resulting in some instances from industrial pollution of our waterways. I have insisted that the health and safety of our people must be protected. I am advised by the Alabama Water Improvement Commission that within a short period of time every industry and municipality discharging waste into our streams will have treatment facilities sufficient to insure the preservation of aquatic life and the health and safety of our people.

Recently, the State Department of Conservation, in cooperation with Auburn University, received a federal grant matched by funds which I made available from the Emergency Fund to survey and define the heavy metals present in our rivers and streams. This program is a first in our nation and should enable us to avert future occurrences such as the mercury pollution problem.

The Air Pollution Commission, created by the last Legislature, has adopted stringent air control standards for the Birmingham area, and as it extends its control program over the entire state, it needs and deserves your support and backing.

Equally disturbing as the pollution of our air and water has been the pollution of the minds and bodies of our young people through the growing use of dangerous drugs and the sale and distribution of pornographic materials in our State. While these problems have not assumed the proportions in Alabama which they have in some other states, still they represent a threat to the moral fiber of our people. The laws which we had enacted last year should be rigidly enforced to protect

our youth against these diabolical threats to their health and moral well being.

I am particularly proud of the efforts of my administration to provide for the needs of those unable to take care of themselves. Our State owes a great debt of gratitude to those who came before us and through their efforts built the society which we now enjoy. Over 100,000 Alabamians now derive all or a substantial part of their support from old age assistance. They are having to subsist on something less than a decent standard of living. I am pleased to report to you that for the first time in Alabama's history our average old age pension check is now \$103 per month. Other categories of assistance have also been increased, but most helpful to our public assistance recipients was the enactment of the Medicaid program last year. When one considers that many old age assistance recipients were having to pay from \$40 to \$60 per month for necessary drugs and medical attention from their meager checks, one can realize what Medicaid has meant to them. Truly thousands of Alabamians today enjoy a higher standard of health care than ever before in history because of the enactment of the Medicaid program. Additional monies for Medicaid will be necessary this year, but a sufficient surplus exists in the General Fund to provide this appropriation without threatening the fiscal stability of the General Fund.

The State continues to progress in the field of mental health with mental health facilities, begun during my administration under funds authorized by the 1967 Legislature, and patients are now being treated at the Decatur facility with construction in progress at the Mobile facility.

The future medical needs of our people deserve your attention. In 1967 the Booz, Allen and Hamilton report, authorized by that Legislature, recommended the expansion of our medical education facilities with additional medical schools at Mobile, Tuscaloosa, and in the Huntsville area. Last year I made planning funds available to the University of South Alabama for preliminary planning for that medical school. The Booz, Allen and Hamilton Report is an excellent pattern and provides a comprehensive plan for an orderly development of additional medical education facilities in Alabama.

My administration has also been concerned with the conditions of the working people in our State. In a time of inflation, high taxes, and the decreased purchasing power of the dollar, our middle and lower income families are the first to feel the economic pinch. Their voice has been strong in my administration. We are proud of the legislation which we sponsored substantially increasing benefits in workmen's com-

pensation and unemployment compensation and eliminating the employee contribution and the discriminatory "pregnancy clause". We were also successful in getting passed prevailing wage legislation to provide that workers on state construction projects would be guaranteed the prevailing wage for their trade or craft in that area.

The 1967 Legislature authorized the expansion and development of a State Parks program. The people of Alabama ratified this Constitutional amendment in December of 1967. When I took office in May of 1968, we began planning for the development of this program. Our purpose has been to provide a system of State parks with modern and convenient facilities attractive to tourists and vacationing Alabamians alike, and also to provide day use facilities where a family can go for a day's outing. Several of the parks are now under construction, and others will be ready to let to contract shortly. This program offers great opportunity to develop the tourist industry in Alabama.

I would be remiss if I did not mention that the Legislation authorizing the Parks Development Program required the Department of Conservation to operate these facilities. I should like to recommend that the Department be given the discretion to lease the motel and restaurant facilities, where the Department considers such a course desirable, to minimize the financial risk involved in the operation of the facilities and also to make available the expertise and experience of private enterprise in such operations.

Local governmental units in Alabama are hamstrung by increasing demands for services and the lack of sufficient operating funds. My administration budgeted highway funds for a grant program for the cities and counties, and I urge you to give consideration to establishing a permanent program of this nature. The 1967 Legislation repealing the Farm to Market program has made it impossible for most of our counties to maintain and construct necessary roads. Additionally, some years ago the State withheld from the cities and counties profits from the Alcoholic Beverage Control Board, and I urge you to make these funds available to our governmental units.

It has been said that justice delayed is justice denied, and because of crowded court dockets at the appellate level, a problem which has faced us for many years, the last Legislature at my recommendation authorized the expansion of the State Supreme Court from seven to nine members and the creation of a Court of Civil Appeals with the present Court of Appeals becoming the Court of Criminal Appeals. I am advised that our appellate court dockets are now virtually current and that

litigants in these courts can expect prompt attention to their cases.

You will shortly receive the recommendations of the Commission on Constitutional Revision. This Commission was authorized by an act of the Legislature at my recommendation. There are many who have advocated a Constitutional Convention, but the experience of other states has been that a totally new document is rarely accepted by the electorate. I am persuaded rather that the offering of revisions by articles or subject matter, easily explainable through the media, offers a much better chance of public approval. I know that you will give close study and attention to the recommendations of the Commission, and I hope you will submit to the people for their approval or rejection those amendments suggested by the Commission.

I have been often frustrated by the cumbersome aspects of government, and the "kingdom building" which goes on in respective state departments. It is appalling to me that we have some 250 state boards, departments, commissions and agencies. Even as you have been working toward the reorganization of the Legislature and many needed reforms in your branch of government, so also there is much opportunity for the streamlining of state government through a combining of various agencies, eliminating duplication, and ultimately providing greater efficiency in all departments.

I have previously mentioned the contributions by the dedicated state employees to the progress and accomplishments we have enjoyed. In recognition of their contributions, my administration has substantially increased wages to state employees, provided expanded retirement benefits, improved hospitalization insurance for employees and their dependents, and adopted the 26 pay period plan whereby employees are paid every other Friday instead of twice monthly. I am proud that I had the privilege of being associated with the state employees, and I am personally grateful to them for their cooperation with my administration.

I am certain you have observed, as I have, the increased interest, concern, and involvement of our youth in every facet and aspect of our society. Our young people are the leaders of tomorrow. They are interested in government. Some months ago, I established a student leadership commission composed of the presidents of the student government associations at each of our colleges and universities. This commission meets regularly and will be contacting you about matters in which they are interested. I urge you to hear their voice, a constructive

and concerned voice. They can make a valuable contribution to the governmental process in our State.

Probably no other generation of young people is so knowledgeable and interested in the problems of our state and nation. They are more intelligent and better educated than any other generation of young people. I firmly believe that they deserve our trust, and I recommend to you today that you submit to the people of Alabama a Constitutional amendment reducing the minimum age for qualification to vote to 18 years.

You face many problems: the need for strong ethics legislation affecting state officials, reapportionment, redistricting, revision of election laws, legislation dealing with consumer affairs, tax relief where possible and particularly on medicines and drugs, (and I recommend for those over 65 increasing the homestead exemption to \$5,000), and the constant demand for additional funds for increased state services. The state is in good financial condition. At the beginning of this fiscal year, there was a surplus in the State's General Fund of \$13,443,000. A part of this will be needed by supplemental appropriation for the Medicaid Program. The remainder provides a base for the expansion of other state programs and services.

This surplus was made possible by efficient administration of the state's affairs. This state government is big business, the biggest business there is in Alabama. It ought to be run like a business, and we have tried to do that. The car pool with the resulting savings, in vehicle purchases, gasoline and repairs; the centralization of our computers; careful and competitive purchasing of state insurance; and the elimination of assistant department heads where such were not needed, have saved our state millions of dollars allowing us to provide increased benefits for our less fortunate citizens, and even the construction of two new state buildings without borrowing for such construction.

These then have been good years for Alabama. They have been years free from the influence of extremist groups and activities in our State. They have been years free from civil strife and disorder. They have been years of peace and progress.

I am proud of the record of the administration which bears my name, I am proud of what has been accomplished during the past 32 months to make Alabama a better place to live. I came into office under very tragic and extremely difficult circumstances. Fate thrust into my hands the reins of state government. History will tell how well we met our responsibilities.

Certainly it is with some sadness that I will shortly leave state service, but the sadness I feel is nothing compared to the deep, appreciation I have for having had the opportunity to serve as Governor of the greatest state in the Nation. May the Lord who has been so good to me be as good to you and all our people.

Thank you, good luck, and God bless you.

ALABAMA LAWS

and Joint Resolutions

ORGANIZATIONAL SESSION, 1971

Act No. 1

H.J.R. 3—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature:

JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA 1971

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bills.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number and title of the bill and time of delivery, which shall be spread upon the Journal.

6. All legislative documents, reports, or other papers which may be ordered printed by either house shall be printed in octavo

form, 23 ems measure in width, in 10 point type, with one lead only, saddle stitched or wired on the side, and the title page shall have a heading in substantially the following form:

IN THE LEGISLATURE OF THE STATE OF ALABAMA
1971

Legislative Document No. _____

(or Calendar No. _____, for that publication, with the name of the particular house.)

7. Bills or resolutions ordered printed by either house, or by any committee or the chairman thereof under the rules of the respective houses shall be given a printed bill number in the order received by the printer, in addition to the Senate or House number, be saddle stitched or wired on the left side, and the heading of each shall be substantially as follows:

Printed

Senate (or House

No. _____

No. _____

IN THE LEGISLATURE OF THE
STATE OF ALABAMA
1971

Jan. (or other date) _____ Senate (or House

Bill (or resolution) No. _____, introduced by

Mr. _____ of _____ (County.)

Read 1 time and referred to committee on _____
(or such other action, showing status at date printed.)

Jan. (or other date) _____ copies
ordered printed by the Senate (or House).

8. The printer shall print two hundred and fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

9. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service in aid of the reference work required by law to be done by the Service for members of the Legislature.

10. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

Approved January 25, 1971.

Time: 3:30 P.M.

Act No. 2

H.J.R. 6—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 13, 1971, at 10 o'clock A.M.

AND BE IT FURTHER RESOLVED that the House of Representatives and Senate meet in joint convention in the Hall of the House Representatives at 10:30 A.M., January 13, 1971, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 3, 1970, as required by Section 115 of the Constitution of Alabama.

Approved January 25, 1971.

Time: 3:32 P.M.

Act No. 3

H.J.R. 7—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of five, consisting of two members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transmit business.

BE IT FURTHER RESOLVED that a Joint Session of the House and Senate be held at 11:00 A.M., January 13, 1971, for the purpose of hearing the message of the Honorable Albert P. Brewer, Governor.

AND BE IT FURTHER RESOLVED that the above Committee advise the Governor that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that the Committee escort the Governor to the joint session.

Approved January 25, 1971.

Time: 3:34 P.M.

Act No. 4

H.J.R. 12—Grainger, Lutz, King, Hearn,
Hale, Turnham

HOUSE JOINT RESOLUTION

WHEREAS, Almighty God in His infinite wisdom did call unto Himself on December 29, 1970, Dr. Joseph H. Stowers, Jr., Superintendent of Education of the City of Huntsville, Alabama, and

WHEREAS, in his 46 years Dr. Stowers endeared himself to the people of Alabama through service to them in the field of education and through his numerous civic and religious activities. He began his career as athletic coach at Columbia High School in Houston County Alabama after graduating from the University of Alabama. He was principal of the school from 1951 to 1955 and principal of Bullock County High School from 1955 until 1962 when he was named superintendent of the system. During this period he earned a doctorate degree from the University of Alabama. In May of 1966, he accepted the position of Associate Superintendent of Jefferson County School system where he remained until his appointment as superintendent of the Huntsville School system in February of 1968, the position he held until his death; and

WHEREAS, he served thirty two months in World War II with the First Infantry Division in Central Europe, was an active worker with the Boy Scouts and was a member of the Tennessee Valley Boy Scouts Council, the Metropolitan Kiwanis Club, the University of Alabama Regional Alumni Association, Huntsville-Madison County Chamber of Commerce, Governor's Committee for the Employment of the Handicapped and the Huntsville U. S. Army Advisory Committee; and

WHEREAS, he was a lifelong and devoted Baptist and when he came to Huntsville served as a Deacon and Sunday School teacher at the First Baptist Church and was a devoted and loving husband and father, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Dr. Joseph H. Stowers, Jr., and in recognition of his outstanding service on behalf of education in Alabama do respectfully request and entreat the Huntsville Board of Education and the Huntsville City Council to take action to name an appropriate educational facility in the City of Huntsville in his honor.

RESOLVED FURTHER That copies of this resolution be sent to the family of Dr. Stowers, the Huntsville Board of Education and the Huntsville City Council.

Approved January 25, 1971.

Time: 3:35 P.M.

Act No. 5

S.J.R. 1—Wilson

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses concurring:

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between approval date of this resolution and the opening day of the regular session of the Legislature in May following, whose duty it shall be to make a careful investigation and study of the budget and financial conditions of the State. The Committee shall be composed of the Senate Standing Committee on Finance and Taxation, the President Pro Tempore of the Senate, the Lieutenant Governor and two members of the Senate to be appointed by the Lieutenant Governor and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House and four members of the House to be appointed by the Speaker of the House. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio members of the Committee.

2. The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means Committee shall be Vice Chairman. The Chairman of the Committee, or in his absence, the Vice Chairman, shall set the schedule and program for committee work. He shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee. He may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the committee's business and expedite its work. The Chairman of the Committee may employ such clerical, technical, and expert assistance as the committee may find necessary in performing its duties.

3. The pay of the members and Ex Officio members of the Committee shall be the same as their regular legislative per diem and expense allowance for each day while in attendance of committee meetings plus mileage of ten cents (.10) per mile in going from his residence to, and in returning to his residence from Montgomery, to be computed as set forth in the Code of Alabama. The pay and expenses of the Committee and its assistants shall be paid from funds appropriated to the use of the Legislature.

Approved January 25, 1971.

Time: 3:36 P.M.

Act No. 6

S.J.R. 2—Harris

SENATE JOINT RESOLUTION

WHEREAS, it is essential to the independent deliberations of the Legislature of Alabama that there be available to it information relative to the current fiscal status of the various Departments and Agencies of the State of Alabama; and

WHEREAS, there is a compelling need that such information be assembled with all possible speed, consistent with the need for accuracy and detail, and furnished to the Governor and members of the Legislature prior to their assembly for the transaction of business at a regular or special session of the Legislature:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That there is hereby created a Joint Interim Fiscal Study Committee, hereinafter called "Study Committee".

a. The Study Committee shall be composed of the Speaker of the House, the Chairman of the Senate Finance and Taxation Committee, the Chairman of the House Ways and Means Committee, the Senate President Pro Tem, the House Speaker Pro Tem, four members from the Senate to be appointed by the presiding officer of the Senate, and four members from the House to be appointed by the Speaker of the House. The Lieutenant Governor of Alabama shall be an ex officio voting member of such Committee and shall receive the compensation of a member of the Committee. When the members of the Study Committee shall have been named as herein provided, the members thereof shall select a chairman and vice chairman.

b. The Study Committee shall meet at the call of the Chairman as soon as practicable following the adjournment of the Organizational Session of the Legislature in January of 1971 and shall inquire into the fiscal status of the Departments and Agencies of the State of Alabama, specifically ascertaining with respect to such the anticipated or projected cost of operation for the remainder of the 1970-71 fiscal year and also ascertaining whether or not available appropriations or anticipated revenues specifically allocated to such Departments and Agencies are adequate to such projected costs. Specific inquiry shall be made to ascertain whether any current activities or programs of the State must be curtailed or abandoned during the 1970-71 fiscal year due to nonavailability of funds. The purpose of the Committee shall be to ascertain the present financial posture of those Departments and Agencies of the State of Alabama which in

the Committee's judgment face unique and immediate financial difficulties, and it is not contemplated that the Committee shall consider future budgetary and fiscal matters which shall be heard by the Finance and Taxation Committee of the Senate and the Ways and Means Committee of the House.

c. The Study Committee shall consider the need for the creation of an agency to furnish to the Legislature on a regular and continuing basis information relative to the fiscal status of Departments and Agencies of the State of Alabama, the effects of proposed revenue measures, State budget matters, bond issues and all other fiscal aspects of State government, and shall recommend appropriate legislation to create such an agency to operate under the direct supervision and control of the Legislature.

d. All departments, boards, bureaus, commissions, agencies, offices and institutions of the State shall and are hereby directed to cooperate fully with the Study Committee and shall furnish any and all information that may be requested by the Study Committee.

e. The Chairman of the Study Committee created under this joint resolution shall be empowered to employ such clerical and stenographic assistance as may be necessary, and with the cost of such to be paid as provided by Section 13, Title 32 of the Code of Alabama of 1940, as Recompiled.

f. The Study Committee shall prepare a written report of its findings, which report shall be furnished to the Governor and to each member of the Legislature by no later than February 15, 1971, and such Study Committee shall stand discharged upon the submission of its written report.

g. The compensation of committee members and committees employees shall be paid as provided in Code 1940, Title 32, Sections 13 and 14, and the members shall be entitled to expenses as provided them for legislative sessions.

Approved January 25, 1971.

Time: 3:38 P.M.

Act No. 7

S.J.R. 4—Wilson, Clark

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House concurring, that a consultant or statistician to serve the Senate Committee on Finance and Taxation and House Committee on Ways and Means be employed by the Chairmen of said committees. Such

consultant or statistician shall be paid upon approval of the chairman of either committee in an amount that shall be determined to be reasonable and proper by the chairman, and said expense reimbursement shall be paid from funds appropriated to the use of the Legislature.

Approved January 25, 1971.

Time: 3:40 P.M.

Act No. 8 S.J.R. 8—Vacca, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Noonan, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Weaver, Wilder, Wilson and the Lieutenant Governor

SENATE JOINT RESOLUTION

WHEREAS, The untimely death of former Senator E. W. Skidmore on September 23, 1970, was a tragedy felt not only by his family, friends and constituents in Tuscaloosa County, and by his colleagues in the Senate, but by the people of the State of Alabama; and

WHEREAS, During his three terms in the Senate "Skid" earned for himself the love and respect of all with whom he came in contact because of his wisdom, his amiability, his legislative skill, and, above all, his integrity; and

WHEREAS, His oratorical skill was unmatched, and was put to use not for show but for the furtherance of good government in his beloved state, to the edification and delight of all who heard him; and

WHEREAS, He has left a rich legacy to the State of Alabama through his tireless efforts in the courts and in the legislative halls; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do deeply mourn the loss of this outstanding statesman and our beloved friend, E. W. Skidmore, and extend our heartfelt sympathy to his widow, Mrs. Paula J. Skidmore, his sons, Paul E. Skidmore and Michael Joy Skidmore, and his daughter, Judith Carol (Mrs. Leroy) Bain.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to the above-named surviving members of his family.

Approved January 25, 1971.

Time: 3:42 P.M.

Act No. 9

S.J.R. 9—Pelham

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That a Committee of two members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to ascertain from His Excellency, Governor George C. Wallace, if he desires to address a joint session of the Legislature and if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

Approved January 25, 1971.

Time: 3:44 P.M.

Act No. 10

S.J.R. 10—Pelham

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 12 o'clock Noon today for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

BE IT FURTHER RESOLVED That a Committee of two from the Senate, to be named by the Presiding Officer of the Senate, and a Committee of three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him that the two houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved January 25, 1971.

Time: 3:45 P.M.

Act No. 11

H.J.R. 14—Cross, Turnham

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY HOUSE OF REPRESENTATIVES,
THE SENATE CONCURRING:

WHEREAS, Mrs. Sheila Almon, wife of Judge Reneau Almon, of the Court of Criminal Appeals, is presently confined to the University of Alabama Hospital in Birmingham, with an affliction; and

WHEREAS, Mrs. Sheila Almon is also the mother of three fine boys, and a young mother concerned about the lives of all those around her; and

WHEREAS, it is the hope of the Legislature of Alabama, in Joint Session, that Mrs. Sheila Almon, will be returned to good health very quickly,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, IN JOINT SESSION, this thirteenth day of January, 1971:

That, Mrs. Sheila Almon be returned to good health; and further that the Legislature of Alabama knowing and appreciating her interest in good government for the people of Alabama, do call upon the people of Alabama to remember her in their prayers.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to her and her family.

Approved January 25, 1971.

Time: 3:46 P.M.

Act No. 12

H.J.R. 18—Grainger, et al

HOUSE JOINT RESOLUTION

WHEREAS The Honorable Jack Giles, who served with distinction as a member of the Senate of Alabama from 1966 through 1970, and as Director of the State Department of Industrial Relations prior to that, is critically ill, having been stricken suddenly on last Saturday; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature has learned with regret of Mr. Giles' illness and hereby extends to him best wishes and our hope for his speedy recovery.

Approved January 25, 1971.

Time: 3:47 P.M.

Act No. 13

H.J.R. 19—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two Houses adjourn today, they adjourn sine die.

Approved January 25, 1971.

Time: 3:48 P.M.

Act No. 14

H.J.R. 22—Cauthen, Slate, Drake

HOUSE JOINT RESOLUTION

WHEREAS, we are shocked and grieved to learn of the untimely death of the Honorable Thomas Clifton Almon, Judge of Probate of Morgan County; and

WHEREAS, at the time of his death, Judge Almon was the Dean of the Judges of Probate in the State of Alabama having had the longest continuous tenure of service of any Judge of Probate in this State; and

WHEREAS, Judge Thomas Clifton Almon ably and honorably served Alabama and Morgan County as State Representative during the second administration of Governor Bibb Graves, was a member of the State Democratic Executive Committee, and was twice a delegate to the Democratic National Convention; and

WHEREAS, Judge Thomas Clifton Almon was a dedicated public servant and was active in his church and in social and civic groups in his area of the State;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we mourn the death of Judge Thomas Clifton Almon and extend our heartfelt sympathy and condolences to Mrs. Almon and to the other members of Judge Almon's family, to whom copies of this resolution shall be sent.

Approved January 25, 1971.

Time: 3:50 P.M.

Act No. 15

H.J.R. 24—Lutz, et al

HOUSE JOINT RESOLUTION

Congratulating Judge Ashford Todd upon his retirement as Probate Judge of Madison County and commending him for his service.

Whereas, Judge Ashford Todd has retired as Probate Judge of Madison County; and

Whereas, Judge Todd has for eighteen years served the people of Madison County in that capacity; and

Whereas, since coming to Madison County from Limestone County as a young man, Judge Todd has endeared himself to the people of Madison County and is loved and admired by all those with whom he has come in contact over the years; and

Whereas, Judge Todd has on countless occasions assisted the people of Madison County in ways great and small, never being too busy or too tired to listen to the problems of the people he served; and

Whereas, Judge Todd, has been a loyal and devoted servant of all the people, regardless of their individual stations in life; and

Whereas, Judge Todd, has for many years been an active leader in civic and community affairs in Madison County.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That this Legislature does acclaim the activities of Judge Ashford Todd over the years and does now congratulate him upon his retirement, although he will be greatly missed.

2. Resolved Further, that this Legislature does wish for him a long and continued life of happiness in his retirement.

3. Resolved Further, that copies of this resolution be forwarded to Judge Ashford Todd and the Madison County Board of Commissioners to be preserved as a part of the permanent records of Madison County.

Approved January 25, 1971.

Time: 3:52 P.M.

Act No. 16

H.J.R. 25—Lutz, Grainger, King

HOUSE JOINT RESOLUTION

Congratulating Mrs. Sarah J. Daye upon her retirement as Circuit Court Clerk of Madison County and commending her for her service.

Whereas, Mrs. Sarah J. Daye has retired as Circuit Court Clerk of Madison County; and

Whereas, Mrs. Daye has served the people of Madison County in that capacity for twenty-two years; and

Whereas, prior to becoming Circuit Court Clerk, Mrs. Daye served as Clerk of the Inferior Court of Madison County and in the office of the Judge of Probate of Madison County; and

Whereas, Mrs. Daye has efficiently and courteously served the people of Madison County for more than fifty years; and

Whereas, Mrs. Daye has endeared herself to the people of Madison County with her sweet and gentle manner and is greatly loved and admired by all those with whom she has come in contact.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING:

1. That this Legislature does congratulate Mrs. Sarah J. Daye upon her retirement and does commend her for her services and activities over the years.

2. Resolved Further, that this Legislature does wish for her a long and continued life of happiness in her retirement.

3. Resolved further, that copies of this resolution be forwarded to Mrs. Daye and to the Madison County Board of Commissioners to be preserved as a part of the permanent record of Madison County.

Approved January 25, 1971.

Time: 3:53 P.M.

Act No. 17

H.J.R. 26—Ellis, et al

HOUSE JOINT RESOLUTION

WHEREAS John William Pemberton, Clerk of the House, in addition to his already difficult duties, was invested with the great honor and responsibility of the post of General Chairman of the inauguration of George C. Wallace as Governor of Alabama; and

WHEREAS John William Pemberton did discharge this monumental task with his usual great efficiency and aplomb, taking the most onerous and tedious tasks in stride, and through his great efforts, devised and conducted the activities of the most memorable day in Alabama history, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body most heartily commends John William Pemberton and the many other dedicated individuals who contributed to the greatest inaugural ever held in Alabama, and who performed ably and well at the many complicated chores which were involved.

BE IT FURTHER RESOLVED, That both the House and Senate are deeply appreciative of Mr. Pemberton's solicitous care of the needs and wants of the members and their families, and the courtesies extended to them even in the midst of his monumental responsibilities.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Honorable John William Pemberton as a token of the high esteem and deep regard in which the members of both houses of this body hold him, and as a symbol of our appreciation for a job superbly done.

Approved January 25, 1971.

Time: 3:55 P.M.

Act No. 18

H.J.R. 27—Gafford, Cherner, et al

HOUSE JOINT RESOLUTION

WHEREAS the fate and status of countless American fighting men in Vietnam is unknown and the families and loved ones of many of our boys do not know whether they are prisoners of war, missing in action and perhaps held as spies, or dead; and

WHEREAS these men have responded to the call of their country to serve in a far-away land in the cause of freedom and deserve to have their status known and to be released at the earliest possible time; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor be respectfully requested to proclaim the month of February as Prisoner-of-War and Missing-In-Action Month to honor our fighting men in Vietnam.

BE IT FURTHER RESOLVED, That the Governor call upon the President and Congress to continue and redouble their efforts, to determine the status of our men who are missing in action, to determine the names and conditions and places where our prisoners are being held, and to obtain their immediate release.

Approved January 25, 1971.

Time: 3:56 P.M.

Act No. 19

H.J.R. 28—Weeks

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That members of the Alabama Legislature wish to express their grateful appreciation to the South Central Bell Telephone Company and to its telephone operators for providing telephone service in the rotunda of the State Capitol during sessions of the Legislature.

RESOLVED FURTHER, that this service is not only highly beneficial to the members of the Legislature but to others who find themselves at the State Capitol during legislature sessions.

RESOLVED FURTHER, that we commend South Central Bell Telephone Company for this outstanding contribution to the Legislature and to the cause of good government, for their efficient service, assistance, and helpful cooperation which is again being provided at the current session of the Legislature, as has been done for many sessions in the past.

Approved January 25, 1971.

Time: 3:56 P.M.

Act No. 20

S.J.R. 14—Bailes

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: That there shall be a joint interim committee of the Legislature to study utility rates. The committee shall be composed of three members of the Senate, appointed by the President of the Senate and four members of the House of Representatives, appointed by the Speaker of the House. The committee shall elect a chairman and a vice chairman from among its members; and it shall meet at the call of the chairman or at the request of a majority of its members. It shall be the duty of the committee to make a thorough study of the rates now being charged in this State by public utilities and of the whole rate structure of such utilities. To aid them in this study the committee shall employ and fix the compensation of a consultant, who shall be thoroughly trained or experienced in the area of rate fixing or rate making in the field of public utilities. Such person shall be well versed in the economics applicable to the maintenance and functioning of public utilities and the relationship of rates to adequate return on investments in such utilities.

Members of the committee shall receive their regular legislative compensation and allowances for each day they serve, and such compensation and allowances and other expenses of the committee shall be paid out of funds appropriated for the use of the Legislature.

The committee shall report its finding and recommendations to the Legislature on or before the tenth legislative day and shall thereupon be dissolved.

Approved January 25, 1971.

Time: 3:58 P.M.

Act No. 21

H.J.R. 17—Smith (Talladega)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the membership of the Joint Interim Committee on Agriculture created by Act No. 219, 1967 Special Session, as recreated and reconstituted by Act No. 701, 1969 Regular Session, is hereby changed as follows:

The membership of those now in the present Legislature is hereby terminated, and members of the House and Senate Committees on Agriculture not now members of said Interim Committee are hereby made members of said Interim Committee.

Approved January 25, 1971.

Time: 3:59 P.M.

Act No. 22

H.J.R. 29—McDonald

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim study committee to be composed of the members of the Commerce and Transportation Committee of the House and the Senate Committee on Transportation and Common Carriers. The chairman of the Commerce and Transportation Committee of the House shall be the chairman of the committee created herein and the chairman of the Senate Committee on Transportation and Common Carriers shall be the vice-chairman of such committee.

The Committee hereby created shall meet, at the call of the Chairman but following receipt of the report of the Joint Study Committee created by S.J.R. 2 and shall consider such report together with other pertinent information relating to the immediate financial needs of the Highway Department of the State. It shall be the duty of the committee to recommend to the Legislature such program or legislation as may be necessary to insure that the highway program of the State be continued without curtailment due to non-availability of funds during the current fiscal year.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are actually engaged in the work of the committee. Such pay and expenses shall be paid out of any available funds appropriated for the use of the legislature.

The committee shall report its findings, conclusions and recommendations to the legislature, as soon as practicable, whereupon the committee shall be dissolved.

Approved January 25, 1971.

Time: 4:00 P.M.

Act No. 23

H.J.R. 30—Owens

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study insurance rates and premiums in this state. Such committee shall be composed of the House standing committee on insurance and the Senate standing committee on insurance. The chairman of the Senate standing committee on insurance shall be the chairman of the committee created herein, and the chairman of the House standing committee on insurance shall be the vice-chairman of the committee.

It shall be the duty of the committee to meet as soon as practicable after the approval date of this resolution and upon the call of the chairman to study the existing programs of insurance which are available to citizens of this state, including but not limited to rates, premiums, benefits, services and all features relating to insurance coverage, with particular emphasis

upon casualty line insurers furnishing liability and physical damage coverage. The committee shall further seek the advice, assistance and cooperation of the State Insurance Department and representatives of the insurance industry to the end that state government and insurers may unite and coordinate their efforts in doing everything possible to up-grade insurance benefits at reduced costs for the citizens of Alabama.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day on which they are actually engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated for the use of the legislature.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1971 regular session, whereupon the committee shall be dissolved.

Approved January 25, 1971.

Time: 4:02 P.M.

Act No. 24

H.J.R. 31—Bank

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the medicaid program, such committee to be composed of the standing committee on health in each of the respective Houses. The chairman of the House standing committee shall be the chairman of the committee herein created and the chairman of the Senate standing committee shall be vice-chairman of the committee.

It shall be the duty of the committee to meet following receipt of the report of the Joint Committee created by S.J.R. 2 and upon call of the chairman, to study such report, consider other pertinent information and recommend ways and means of dealing with any critical and immediate financial problem to insure that the medicaid program in Alabama be continued unimpaired.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are actually engaged in the work of the committee. Such pay and expenses shall be paid out of any available funds appropriated for the use of the legislature.

The committee shall report its findings, conclusions and recommendations to the legislature as soon as practicable, whereupon the committee shall be dissolved.

Approved January 25, 1971.

Time: 4:05 P.M.

Act No. 25

H.J.R. 32—Robertson, Culver, Parker
(Tuscaloosa), Bank, et al

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved to learn of the recent death of Mr. Clemons Burroughs of Tuscaloosa, who was an uncle of our late beloved Governor Lurleen Burns Wallace. We extend our heartfelt sympathy to his widow, Mrs. Nell Burroughs and to their son, Ronnie, to whom copies of this resolution shall be sent to their home address, 1900 - 24th Avenue, Tuscaloosa, Alabama.

Approved January 25, 1971.

Time: 4:06 P.M.

Act No. 26

H.J.R. 33—Robertson, Culver, Parker (T),
Bank, et al

HOUSE JOINT RESOLUTION

WHEREAS the citizens of this state were deeply grieved to learn of the recent death of Mrs. Janie Estelle Burns, the mother of our late beloved Governor Lurleen Burns Wallace; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the death of Mrs. Burns and extends its heartfelt sympathy to her husband Mr. Henry Morgan Burns and to her son Mr. Cecil Burns to whom copies of this resolution shall be sent to their home in Knoxville, Alabama, R.F.D. 1.

Be it Further, resolved that copies be sent to the children of the late Lurleen B. Wallace.

Approved January 25, 1971.

Time: 4:08 P.M.

**MESSAGE OF GOVERNOR GEORGE C. WALLACE
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT SPECIAL SESSION MARCH 31, 1971**

Governor Beasley, Speaker Lyons, Members of the Alabama Legislature, Distinguished Guests, Ladies and Gentlemen:

We meet here this evening in response to my request that our Legislature convene in Extraordinary Session for the purpose of considering matters of immediate and vital importance to the people of Alabama.

On such an occasion it seems needful and proper that all members of the legislative body, as well as the people of our state, fully understand and appreciate the urgency of the situation and the basis for my action in calling the Legislature into session at this time.

The decision to convene the State Legislature in Extraordinary Session is not a decision easily made nor an action lightly taken. In arriving at a final determination a Governor should give full and earnest consideration to all of the facts and circumstances surrounding the immediate need for such a session and utilize to the fullest all of the advice, counsel and expertise available to him. This is what I have done on this occasion.

Perhaps no Governor in the history of our state has had the advantage of the advice and counsel of a more dedicated and conscientious group of legislators that I have in seeking solution to the problems confronting all of us.

This concern and dedication evidenced itself in the January session when the Legislature organized the appropriate interim committees to give immediate attention to problems of State Government of pressing importance. These committees were charged to proceed forthwith to review and examine the matters within their respective areas of concern and to advise the Legislature and your Governor as to their findings and recommendations. This they have done in an extremely able manner in an unbelievably short period of time. Only through tireless and dedicated effort and sacrifice on their part has this been possible. I would be less than honest if I did not report to you that the advice, counsel and recommendations of these committees, and that of other individual legislators who have conferred with me, has been the most persuasive factor in bringing us here this evening. On behalf of myself and the people whom they serve, I wish to express my thanks to all the members of this Legislature, individually and collectively, who have worked so unselfishly with us since our January inauguration.

Matters which have occupied the attention of your Legislature and your Governor during the days and weeks leading up to this evening include the absolute necessity for the continuation to substantial completion of our federal interstate system, as well as our other road and bridge building programs in this state. The safety of our traveling public, the general welfare of the area and communities served and the overall economy of the State demand that we not abandon our program of development and construction of our roads and bridges.

Safety of travel alone makes this need imperative. Under modern conditions of travel and transportation a less than adequate highway system presents an unacceptable hazard to the lives and safety of our citizens. The death rate on our highways, both rural and urban, is far too high. We have no choice but to do all within our power to reduce this peril to our people. Statistics irrefutably show that the condition of the roadways traveled makes a major contribution to traffic injuries and deaths — the second major contributing factor being the enforcement of our traffic laws.

I am dedicating myself to improvement in both areas, and ask this Legislature to join with me in this effort. I am proposing, what I feel to be, a reasonable and adequate program for the improvement and development of our highway system. At the same time I pledge a vigorous enforcement of the laws of this state regarding travel and use of these highways. I am convinced that together this will do much to reduce the present death and destruction we are experiencing on our highways.

While this alone is enough to warrant our action in regard to highway construction, it is inevitable that we consider the effect an adequate, or inadequate, highway system has on the economy of the State, or on an area of the State. Modern-day industry and commerce tends to follow and develop along the major arteries of highway transportation. A means of uninterrupted land transport must be available to any major industry situated in our state. The return on our investment is assured from increased business and commerce flowing into the State. An increasing benefit to our tourist industry is realized as we make our outstanding attractions more available to travelers through an adequate inter-state and in-state road system.

Being convinced of the need for continuation of our highway program, and having such belief confirmed and approved by the legislative committees inquiring into this matter, we have directed our attention to the funding and implementation of the program. In the legislative measures introduced here this evening, you will find that a significant portion of the burden

of funding the \$185,000,000 in bonds felt necessary for this purpose has been placed on the major users of these roads and highways. All with whom I have conferred see fairness in this approach.

There is certainly no intent on my part, or that of anyone, to deal with any segment of our economy unfairly. However, the feelings expressed to me have been uniform to the effect that those using the highways for profit should bear a significant portion of the burden of their construction and maintenance. In implementing this determination, our trucking industry, along with others, is being asked to shoulder a proportionate share of the load in the further development of our highway system. This approach will have application to both commercial and private carriers as each uses our roadways alike in furtherance of the needs of their particular business or industry.

I would like to note that the program we are presenting is not restricted to any area or section of our state or to any particular type of road or highway. The roads and bridges of our smaller rural counties and the streets of the villages and towns of our state are as equally important as are the expressways and thoroughfares traversing our large urban areas of population. All will be treated alike and the needs and requirements of each will be considered. My Highway Director and other members of my staff have been instructed to proceed in this manner in formulating the highway program for the next four years. I assure you this program will be a total program, aiding and assisting all people and areas of the State.

A second matter which all agree must be dealt with on an immediate and highly accelerated basis is that of medical education and the delivery of medical services to the people of Alabama. The hour has struck for us to put an end to a state of affairs in which Alabamians have to wait days and weeks to get an appointment to see a doctor — in which mothers watch sick children with the hopeless feeling which always accompanies inability to get proper medical attention — in which overworked doctors and nurses are unable to meet the increasing demands upon their time and energy caused by the growing number of patients.

Throughout the campaign of last spring, I repeatedly called attention to the critical need in this state for more doctors and allied medical personnel and for a more effective delivery of medical service to all of our people, whether they live in rural or urban areas of our state. At that time I stated my intention to propose a program providing means for the education of more doctors and other medical personnel in Alabama.

In my judgment, such a program will have the overwhelming endorsement and support of the people of the State.

For more than nine months this matter has been the subject of exhaustive study by the medical profession, the academic and administrative staffs of several of our major state universities, by members of the Legislature and by myself and my staff. I am indebted to all of these persons, institutions and agencies for the untiring and unselfish efforts they have made toward solution of this critical and complex problem. And I might add, that while there may be minor points of disagreement as to the exact course to follow, all are in accord that action must be taken, and taken immediately to alleviate the critical shortage of doctors in Alabama and make adequate medical services available to all of our people.

The program we propose provides for the expansion of the medical college at the University of Alabama, Birmingham; the establishment of a four-year medical college at the University of South Alabama in Mobile, the creation of two-year schools of medical education at the University of Alabama in Tuscaloosa and the University of Alabama in Huntsville, together with the enlargement and possible relocation of the school of pharmacy of Auburn University. In a recent meeting with the presidents of these institutions, we discussed in detail, and found ourselves in accord on, a program which provides for the enrollment within the near future of 325 students annually compared with the present figure of little more than 100. I found among this group the spirit of dedication and cooperation so vital to the success of this program and a willingness to place the welfare of the State above personal institutional considerations. I am confident that this same attitude will prevail in the Legislature.

Funding requirements for the \$35,000,000 in bonds for capital outlay for this program have been proposed which impose no undue burden on anyone, and I ask your full and earnest consideration of this program which I feel to be so badly needed by our people.

Still in the area of health care, I call your attention to the plight of the less fortunate, the mentally ill and mentally retarded. I would think that most Alabamians are aware of the concern and compassion that my late wife, Governor Lurleen Wallace, held for this group and of her efforts in their behalf. Under her sponsorship and direction a program was enacted by our legislature in 1967 designed to provide facilities throughout the State for the care, treatment and teaching of this group. Fifteen million dollars was provided for the construction of these facilities. By reason of circumstances be-

yond the control of any party here tonight, the establishment of these facilities has been long delayed, and we are now advised that the program envisioned by Governor Lurleen will only be realized in small part.

In consultation with the Legislature and the agency charged with responsibility for the administration of this program, I have been advised that additional funds are needed if any progress is to be made in providing the necessary care for our mentally ill and retarded. I have long stated that I am dedicated to the ultimate completion and realization of the program begun in 1967, and I have pledged my efforts to that end. I am proposing to you tonight that an additional \$15,000,000 be made available to the Mental Health Board for the completion of the planned facilities and that this program be given support, guidance and supervision of all of us in seeing it to successful completion. I do not feel that we can do less for those unfortunate persons so vitally affected by our efforts.

As a bonus effect, the establishment of these new facilities will serve to reduce the severe overload now existing in all of our other mental health facilities, thus providing more adequate and complete care for all of those so in need of this attention. Funding for this program is from the same source and in the same manner as that for our other medical facilities and imposes no undue hardship on any person or segment of our population.

In 1967, during the administration of my late wife, the Legislature authorized and the people approved the development of a park and recreational program in this state. Many of our people had long sought such a program as a means for the development of the many and varied recreational areas and tourist attractions of Alabama, ranging from the mountains of the north counties to the beaches of the Gulf. This program was well advanced in the planning state at the time of Governor Lurleen's death.

With no intent of criticizing former administrators, we now find this program to be in a state of total confusion, bordering on chaos. This has been occasioned, in large part, by rising costs and to over commitment in certain areas and under commitment in others. Whatever the reason may be, we find few, if any, parks completed, with the planned facilities lying dormant in varying stages of construction. Some park and recreational areas included within the program have received little or no attention or money; others are partially completed while some few others have reached a stage of substantial completion. Money is not available to complete the program.

All of this leaves the officials charged with the administration of this program with an agonizing decision as to what

course to pursue, confronted with the question of whether to place all parks in a partial state of completion or to abandon some in favor of others. Neither seems to be a wise or economically feasible solution.

A committee of the Legislature has reported that \$21,000,000 in capital outlay will complete the program in a satisfactory manner. This committee reasons that all of our people would then be better served from a recreational standpoint and that our resources in the area of recreation and tourist attractions would be adequately developed, which would mean much economically to the State. The committee recommends that steps be taken to secure funds for this purpose.

I am in agreement with the recommendations of the committee and have included in this call a proposal that you authorize \$21,000,000 in capital outlay funds to be used in completing the park and recreational program, thus enhancing the recreational and tourist potential of our state. I pledge to you, if you adopt this proposal and provide such funds, that this program will be given minute attention, careful planning and close supervision. Funding of the bond measure will be from a source imposing no hardship on individual citizens or on the business community. I ask your favorable consideration of this proposal.

Other matters that I would request that you consider include legislation increasing the amount paid to the State by banking institutions on state money held in time deposits. As you may recall, legislation offered by the Wallace Administration was enacted in 1967 requiring for the first time payment of interest to the State for the deposit of state money in banking institutions. Since that time more than \$12,000,000 has been paid in earned interest. The presently offered legislation would increase the rate of interest to be paid by the banks and would provide procedures to assure timely deposit of available funds. Through adoption of this legislation, the State will be assured of the deposit of more funds at a higher rate of interest. There is no question but that this is in the public interest and in keeping with the wishes of the vast majority of our people. It assures a fair, honest and equitable return on the people's money and is deserving of your support.

There will also be presented to you legislation designed to upgrade the unemployment compensation statutes to provide increased benefits to the unemployed, whose ranks are now increasing to a critical level. The legislation offered will extend present benefits for an additional thirteen weeks.

Between seven and eight thousand Alabama workers who have exhausted their regular UC benefits and have been unable

to find employment would be entitled to additional benefits under this program. They would be paid approximately \$2,000,000 over the next thirteen weeks. The Federal Government would pay half this amount with only \$1,000,000 coming out of the Alabama US Trust Fund.

This change is badly needed at this time as unemployment continues on the rise. In the event of extended unemployment this additional thirteen weeks' benefit becomes critical. On behalf of the fine, dedicated men and women making up the labor force of Alabama, I ask that you give favorable consideration to this legislation at the earliest possible moment.

Both a special interim committee of the Legislature and the Public Service Commission are presently considering the matter of proper rates for the public utilities of the State. This is a matter of increasing concern to all of the citizens of Alabama, who in one or more ways are affected by the rate charges of the utility companies. I found this to be a matter of genuine concern throughout the State during the recent campaign and, indeed, it is fast becoming a matter of high concern throughout the nation. I have offered personal testimony before the legislative committee looking into this matter, and I am appearing through counsel in the proceedings before the Public Service Commission. I feel that such is my duty and obligation if I am to properly preserve the rights of the people in this vital area.

My proposals to you in this instance are in line with my desire to afford a full and fair hearing for all parties concerned in all matters affecting the fixing of utility rates. To this end I am proposing that legislation be enacted extending the time for which the Public Service Commission, the State regulatory agency, may suspend rate schedules filed by the public utilities before they become effective. This will afford the consumer, and those representing consumer interest, time in which to review, consider and evaluate the requests made and file appropriate answer. Otherwise, the hearing becomes an ex parte proceeding to a large degree.

Secondly, I propose that you adopt legislation standardizing the basis upon which the property of public utilities is valued in fixing a "rate base" for rate making purposes. This procedure is not now uniform and in many instances highly confusing. Passage of the proposed legislation will eliminate much of this doubt, confusion and mistrust and provide a reasonable and equitable basis for rate making.

As a result of lengthy inquiry by both the Legislature and the fiscal officials of the State, it has been found that certain State agencies and institutions, due to accelerated expendi-

tures during the first two quarters of the present fiscal year, do not have sufficient funds available to continue operation for the remainder of the year ending September 30. The Fiscal Study Committee and other interim committees have reviewed these situations in detail and have recommended in each instance that sufficient supplemental appropriations be made to enable the State agencies concerned to continue to function.

A bill is being offered providing modest but adequate appropriations for these agencies, including the Department of Pensions and Security, the Board of Corrections, the Department of Public Safety and the Medicaid program administered by the Medical Services Division of the State Board of Health. All of these requests have been examined by both the Executive Department and the appointed committees of the Legislature and found to be necessary and required if the agencies named are to continue to operate throughout the current fiscal year.

The General Fund, from which the greater portion of the departments and agencies of the executive branch of government are funded, is in a precarious financial position. The existing surplus, not nearly so large as earlier reported, is being utilized to sustain operations for the remainder of the fiscal year. This places the General Fund in the impossible position of entering a new fiscal year with little or no balance. Something needs to be done now to remedy this situation.

I have recommended the passage of the so-called "bank interest" bill to provide some increase to the General Fund. I am also offering legislation to provide for the uniform disposition of unclaimed and abandoned tangible and intangible personal property known as the "Escheat Law". Adoption of this legislation will provide an undetermined amount of new revenue to the General Fund, which is sorely needed. Perhaps other legislation to bolster the General Fund will be offered — if so, I request your close and serious examination and approval if found to be valid.

In closing let me say that the matters included in this call for an Extraordinary Session are those which have had my close, careful and studied consideration. I sincerely believe that the proposed programs are in the interest of the people of this state. They are in keeping with the commitments and covenants of my campaign. I know that many of you made similar commitments and have similar attitudes as to the programs presented. I ask only a fair, impartial and unbiased consideration of the legislation offered, with approval if found sufficient or amendment and correction if improvement can be made.

All of us, I am sure, share the same desire that our efforts in this session will produce good for the citizens of our state —

providing relief where relief is needed, and help and assistance where the need exists. I feel that our programs in the area of health services, highways, parks and other proposed legislation are in the best interest of all Alabamians.

Although this does not pertain directly to the business of this session, I think it appropriate to call to your attention the fact that we have recently commenced a study on efficiency in governmental operations. Through use of professional consultants and the advice and counsel of leaders of the business and professional community, we hope to develop and implement a plan which will provide substantial savings and far greater efficiency in the operation of our state government. The firm we have engaged has conducted similar studies and developed plans in twelve or more states with outstanding results. We are optimistic as to success in Alabama.

I wish to express again my gratitude to this Legislature for the help and assistance that it has offered in guiding my decision with respect to the call of this session and the measures to be considered. No Governor has ever been afforded greater support and cooperation, and I am firm in my belief that together we can meet and solve the problems confronting our state.

May God bless and guide you in your labors.

ALABAMA LAWS
and Joint Resolutions
SPECIAL SESSION, 1971

Act No. 1

S.J.R. 5—Malone

SENATE JOINT RESOLUTION

WHEREAS Miss Ann Nelms, the daughter of the Rev. and Mrs. Curtis Nelms of Gadsden, Alabama, has been suffering from a kidney ailment; and

WHEREAS Miss Nelms requires twice weekly treatments of eight hours on a dialysis machine to sustain her life which requires her to travel from Gadsden to Atlanta twice a week for treatments on the dialysis machine; and

WHEREAS the student body at Etowah County High School, the faculty thereof did undertake a fund raising drive to raise money for the purchase of the life sustaining kidney dialysis machine; and

WHEREAS as a result of the hard work and generosity of many persons in Etowah County, this fund raising drive was an overwhelming success; and

WHEREAS this body wishes to honor and pay tribute to the student body and faculty of Etowah County High School for their untiring and unselfish efforts in behalf of Miss Nelms; and

WHEREAS the Legislature wishes to pay tribute to the bravery and cheerfulness of Miss Nelms, an honor student at Etowah County High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does honor and commend Miss Nelms for the bravery, courage and cheerfulness shown by her and commends her on being an honor student at Etowah County High School despite her handicap and does point with pride to the accomplishments of this outstanding young person of this State.

BE IT FURTHER RESOLVED, That this body heartily commends the student body and faculty of Etowah County High School and all other persons of Etowah County High School and all other persons of Etowah County who participated in the fund raising drive for the purchase of the life sustaining kidney dialysis machine that was purchased for Miss Nelms.

BE IT FURTHER RESOLVED that copies of this resolution be presented to Miss Nelms, to Coach Jim Glover who

coordinated this worthwhile effort and to the student body and faculty of Etowah County High School as a tribute from this Legislature for the outstanding things they have done.

Approved April 8, 1971.

Time: 9:20 A.M.

Act No. 2

S.J.R. 6—Malone

SENATE JOINT RESOLUTION

WHEREAS Marc Robertson, the sixteen-year-old son of Dr. and Mrs. W. C. Robertson of Gadsden, Alabama, did recently bring honor and recognition to himself, his home, city, county, and this State by winning a national oratorical event viz: the Veterans of Foreign War's Voice of Democracy contest; and

WHEREAS Marc Robertson did compete in this contest with over 500,000 students on a local, regional, state and national level in order to win this great honor; and

WHEREAS Marc Robertson's conduct, diligence and excellence in this matter should serve as an example and guiding light to the youth of this State; and

WHEREAS the Legislature of Alabama wishes to honor him for his victory in this contest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this body does most heartily congratulate and honor Marc Robertson as the national winner of the Veterans of Foreign War's Voice of Democracy contest and encourage other youths' to imitate him in their endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Marc Robertson and his parents as a token of their regard for him in this matter.

Approved April 8, 1971.

Time: 9:21 A.M.

Act No. 3

S.J.R. 9—Fine, Franklin, Wilder, Littleton,
Foshee, Owen

SENATE JOINT RESOLUTION

Urging the signatories of the last Geneva Convention to exert their influence in an effort to persuade the Government of North Vietnam to live up to the rules of the last Geneva Convention concerning prisoners of war; and for other purposes.

WHEREAS, the signatories of the last Geneva Convention established a common brotherhood to insure humane treatment of prisoners of war; and

WHEREAS, there are more than 1,600 American servicemen classified by the United States Government as prisoners of war or missing in action in Southeast Asia; and

WHEREAS, the Government of North Vietnam is violating every rule adopted by the signatories at the last Geneva Convention concerning the prisoners of war; and

WHEREAS, no nation should be allowed to ignore or disobey the rules of the last Geneva Convention because if such conduct can occur against the prisoners of war of one of the signatories, it can happen to the prisoners of war of any of the other signatories; and

WHEREAS, it behooves all of the signatories of the last Geneva Convention to become intermediaries between the United States Government and the Government of North Vietnam in a united effort to assure that the Government of North Vietnam complies with the rules of the last Geneva Convention; and now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does hereby urge the signatories of the last Geneva Convention to exert their influence to persuade the Government of North Vietnam to meet the following minimal conditions:

1. Release sick and injured POW's immediately.
2. Treat prisoners of war more humanely.
3. Establish better communications between prisoners of war and their families.
4. Allow international inspection of prisoner of war camps.
5. Release a complete and bona fide roster of prisoners of war and the names of prisoners of war who have died.
6. Allow prisoners of war to receive mail and packages from home on a regular basis.
7. Establish a policy whereby future prisoners of war may be properly repatriated through existing organizations such as the Red Cross.

BE IT FURTHER RESOLVED that the Secretary of the Senate is hereby authorized and directed to forward an appropriate copy of this Resolution to the Chief Executive of all of the countries which adopted the rules of the last Geneva Convention, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense and the Speaker of the House and President of the Senate of the legislatures of each of the other 49 states.

Approved April 8, 1971.

Time: 9:22 A.M.

Act No. 4

S.J.R. 11—Vacca, Horne, Bailes, Hawkins,
Cook, Gilmore, Littleton,
Hammond, Carr, Malone,
Harris

SENATE JOINT RESOLUTION

WHEREAS Mr. Gordon B. Thomas of Ohio, President of the United States Jay Cees is hereby extended a most cordial welcome to the State of Alabama; and

WHEREAS the Jay See organization has long been known for its continued and effective efforts to make America the land of opportunity, where young men of ability and high ideals are encouraged to be self reliant, to use the full extent of their own talents and with faith in God and trust in their fellow man, to make this Nation and the world a better place for all mankind; and

WHEREAS Alabama is a state in which people are important, where we believe that government should be of laws and not of men and that the government which governs least, governs best; and

WHEREAS we share in the doctrines exemplified by the U. S. Jay Cees and are most appreciative of their accomplishments; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are delighted to have Mr. Thomas in our State and pray for his continued efforts to motivate young men to change the world for the better.

Approved April 8, 1971.

Time: 9:24 A.M.

Act No. 5

S.J.R. 12—Vacca, Horne, Hawkins, Bailes,
Cook, Gilmore, Littleton,
Hammond, Carr, Malone,
Harris

SENATE JOINT RESOLUTION

WHEREAS Mr. Frank Parsons, Vice-President of the United States Jay Cees and candidate for President of that fine organization, is a highly respected attorney of Birmingham, Alabama; and

WHEREAS during the year 1969-70, Alabama was the number one Jay Cee State in the nation for the first time by the largest margin in fifty years; and

WHEREAS in his travels throughout the country during this year, Mr. Parsons has been a great salesman for the State of Alabama; he has been an ambassador of good will and has represented this State most ably and effectively in every respect; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grateful to Mr. Parsons for the fine manner in which he has represented this State, for the favorable attention which he has had focused on Alabama in making known the many opportunities which abound here.

BE IT FURTHER RESOLVED, That we commend Mr. Parsons for his election to the vice-presidency of the United States Jay Cees, and offer him our full support and encouragement toward his elevation to the presidency of that exceptionally fine organization.

Approved April 7, 1971.

Time: 9:25 A.M.

Act No. 6

S.J.R. 13—Jones, Pierce, Dozier

SENATE JOINT RESOLUTION

Inviting the Members of the Alabama Legislature to attend the 1971 Cooperative Forestry Field Day Program which will accent "Quality Environment for the Seventies" sponsored by the Seaboard Coast Line Railroad and others near Banks in Pike County, Alabama, on Thursday, May 13, 1971.

WHEREAS, the members of the Alabama Legislature, as well as the Governor and other officials of this State, have been

extended an invitation by the Seaboard Coast Line Railroad Company, as a unique and unusual feature, to board a special train in Montgomery, Alabama, and journey to Banks, Pike County, Alabama, for the purpose of attending a Cooperative Forestry Field Day Program scheduled for Thursday, May 13, 1971; and

WHEREAS, this occasion will bring together prominent and outstanding industrial leaders from all areas within the State of Alabama and from other sections of the United States; and

WHEREAS, the Forestry Field Day Program will cover all aspects of modern forest management, as well as the manufacture of forest products; and

WHEREAS, environmental problems will also be discussed; and

WHEREAS, the principal speaker on this occasion will be Henry G. Van der Eb, President and Chief Executive Officer of the Container Corporation of America, Chicago, Illinois; and

WHEREAS, this program will provide an unparalleled opportunity for the members of the Alabama Legislature and others to learn more about one of Alabama's most important natural resources and assets, and to be apprised on the vast potential economic benefits which can be derived therefrom; and

WHEREAS, extensive preparations have been made by the Seaboard Coast Line Railroad Company in making plans to implement this program and it is deemed fitting and proper that the members of the Alabama Legislature avail themselves of every opportunity of this kind to become intimately familiar with a major area of the State's economy: Now, therefore, be it

RESOLVED by the Senate, the House of Representatives concurring, That the members of the Senate and the House of Representatives hereby accept this invitation with deep appreciation and will devote the entire day of Thursday, May 13, 1971, to attending the Forestry Program referred to above; and be it

RESOLVED, further, That should the 1971 Session of the Alabama Legislature be adjourned prior to May 13, every effort will be made by the individual members of the House and Senate to travel to Montgomery in order to participate in this program; and be it further

RESOLVED, That the Alabama Legislature hereby extends to the Seaboard Coast Line Railroad Company its sincere gratitude and appreciation for this invitation and for the transpor-

tation to the site of the Forestry Field Day Program which will be furnished its members; and be it further

RESOLVED, That copies of this Resolution be forwarded to the companies and organizations participating in this program.

Approved April 8, 1971.

Time: 9:30 A.M.

Act No. 7

S.J.R. 14—Pelham, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Noonan, O'Bannon, Owen, Pierce, Register, Shelby, Vacca, Weaver, Wilder, Wilson

SENATE JOINT RESOLUTION

WHEREAS, The Senate has learned of the death on April 5, 1971, of Honorable Browder L. Beasley, father of Lieutenant Governor Jere Beasley; and

WHEREAS, Mr. Beasley's death at age 69 after a prolonged illness is a great loss to the citizens of Clayton, Barbour County, Alabama, where he was a lifelong resident, an honored citizen, farmer and merchant; and

WHEREAS, this Legislature shares the deep personal loss felt by the esteemed Lieutenant Governor and other members of Mr. Beasley's family now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do profoundly mourn the death of Honorable Browder Beasley, and extend our heartfelt sympathy to his sons, Lieutenant Governor Beasley and Honorable Bill Beasley, and to his sister, Mrs. Anne Fogler, Virginia Beach, Virginia, to whom copies of this resolution shall be sent.

Approved April 8, 1971.

Time: 9:31 A.M.

Act No. 8

S.J.R. 15—Harris

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the Legislature adjourns today, it adjourn to meet again on Wednesday, April 7; and when it adjourns on Wednesday, April 7, it adjourn to meet again on Thursday, April 8.

Approved April 8, 1971.

Time: 9:32 A.M.

Act No. 9

S.J.R. 7—Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Noonan, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder, Wilson

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Legislature hereby recognizes and acknowledges with appreciation that many native sons have excelled in various sports thereby adding lustre to our State; and

INASMUCH AS Bart Starr, native of Montgomery, graduate of the University of Alabama, and noted quarterback of the Green Bay Packers, is an exceptional athlete, typical of many who began illustrious careers in Alabama; and

SINCE Bart Starr is to receive a National Award from the National Conference of Christians and Jews at the Third Annual Brotherhood Award Dinner in Birmingham on Thursday, April 22; and

BECAUSE we believe that Bart Starr — an outstanding American as well as a great athlete — has reflected much credit on Alabama; and

WISHING to make our appreciation known we do so by declaring Thursday, April 22, 1971, Bart Starr Day throughout our State as an expression of Alabama's admiration and esteem.

Approved April 8, 1971.

Time: 5:00 P.M.

Act No. 10

H.J.R. 2—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that a Committee of four members of the House, to be named by the Speaker of the House and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved April 8, 1971.

Time: 5:02 P.M.

Act No. 11

H.J.R. 3—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a joint session of the House and Senate be held at 7:30 P.M. today for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

BE IT FURTHER RESOLVED that a Committee of four from the House, to be named by the Speaker of the House, and a Committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message.

BE IT FURTHER RESOLVED that the above Committee escort the Governor to the House Chamber for the Joint Session.

Approved April 8, 1971.

Time: 5:03 P.M.

Act No. 12

H.J.R. 7—Robertson, Parker, Bank, Culver,
Turnham

HOUSE JOINT RESOLUTION

WHEREAS Mr. Beverly R. Holstun of Tuscaloosa County has passed away in the Tuscaloosa Veterans Hospital after an extended illness; and

WHEREAS Mr. Beverly R. Holstun was one of the outstanding citizens of Tuscaloosa County having retired as Chairman of the Tuscaloosa County Extension Service in June, 1970, after more than 30 years service in Tuscaloosa County; and

WHEREAS Mr. Holstun held many honors including: past president of the Tuscaloosa Civitan Club, recognized by Civitan International for 30 years outstanding service, member of the Tuscaloosa Chamber of Commerce, a member of Epsilon Sigma Phi and Gamma Delta honorary fraternities, a member of the Tuscaloosa County Farm Bureau, the First Baptist Church and a Mason; and

WHEREAS he was honored in 1950 by being presented the distinguished service award by the National Association of County Agricultural Agents; and

WHEREAS he did serve this country four years during World War II and held an outstanding military record; and

WHEREAS he is greatly mourned by the many citizens of this State and the members of the Alabama Legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this distinguished citizen and do pass this resolution as a memorial to the exemplary life of this outstanding man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to his widow and his family, the Tuscaloosa News, and to the county governing body of Tuscaloosa County with the request that it be placed in the Beverly Holstun Room in the courthouse at Tuscaloosa.

Approved April 8, 1971.

Time: 5:04 P.M.

Act No. 13

H.J.R. 8—Merrill et al

HOUSE JOINT RESOLUTION

WHEREAS the honorable Sim A. Thomas of Eufaula, Alabama, has recently passed away as a result of a heart attack and

WHEREAS Sim A. Thomas has served the people of this State honorably, faithfully and ably through a long career of public service, including among his many accomplishments,

service: in this Legislative body for twenty years, as a member of the Auburn University Board of Trustees, as a member of the State Mental Health Board and as a member of the Alumni Council of the School of Pharmacy at Auburn; and

WHEREAS Sim A. Thomas was widely known and respected in this State for his wit, courage and amiability, and thoughtfulness for his fellow man; and

WHEREAS he was extremely active in civic affairs of his home town and home county; and

WHEREAS the members of the Alabama Legislature wish to pay honor and tribute to this outstanding citizen of our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Legislature do hereby take official notice of the passing of the Honorable Sim A. Thomas and do hereby express their deep regret at his passing, do deeply honor his memory and do extend their sincere sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED, That the Clerk of the House be instructed to send a copy of this resolution to the surviving members of his bereaved family.

Approved April 8, 1971.

Time: 5:05 P.M.

Act No. 14

H.J.R. 9—Falkenburg et al

HOUSE JOINT RESOLUTION

WHEREAS the Honorable Rufus M. Lackey has passed away at the age of 73 after a long, full, outstanding and exemplary life; and

WHEREAS Rufus M. Lackey was a Coosa County farmer's son who rose to national prominence as a pioneer and executive in the field of burial insurance and also co-owner of the Birmingham Barons in the golden days of Southern League baseball; and

WHEREAS Rufus M. Lackey had a long and respected association with the Alabama Legislature as a friend and lobbyist and was elected to this body in 1954 in his only political race

by an overwhelming landslide by the people of Jefferson County; and

WHEREAS he was the chief sponsor in 1956 of legislation aimed at tunneling a super highway through Red Mountain between Birmingham and Homewood which eventually resulted in present day over-the-mountain Red Mountain Expressway; and

WHEREAS he was one of the outstanding civic and community leaders in Jefferson County and will be greatly mourned by his family, friends, citizens of this State and members of the Alabama Legislature; and

WHEREAS the members of the Legislature wish to pay honor to this outstanding citizen of this State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Legislature do hereby take official notice of the passing of Mr. Lackey and therefore express their deep regret of the State's loss of this fine citizen and do extend their sincere sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED, That the Clerk of the House is instructed to send a copy of this resolution to his bereaved family.

Approved April 8, 1971.

Time: 5:06 P.M.

Act No. 15

H.J.R. 10—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING THAT when the two Houses adjourn today, they adjourn to meet again on Friday, April 2, 1971, at 12:00 o'clock, noon, and when they adjourn on Friday, April 2, 1971, they adjourn to meet again on Tuesday, April 6, 1971, at 12:00 o'clock, noon.

Approved April 8, 1971.

Time: 5:07 P.M.

Act No. 16

S.J.R. 3—Foshee, Cook, Gilmore, Littleton,
Clark, Cooper, Edington,

Hawkins, Weaver, Register,
 Bailes, Lindsey, Carr, Shelby,
 Fine, Wilder, Lybrand,
 Hammond, Owen, McLain,
 Dozier, Jones, Branyon, Malone,
 Vacca, Givhan, Wilson, Harris,
 Noonan, Pierce, Horne, Pelham

SENATE JOINT RESOLUTION

WHEREAS the conviction of Lt. Calley for the premeditated murder of 22 Vietnamese civilians at My Lai has shocked and astounded this nation; and

WHEREAS the ravages of war are often suffered by thousands of innocent persons, both young and old, and women and children alike, as was witnessed in the bombing of Hiroshima and Nagasaki, the order for which was issued by President Truman and executed by our Air Force in an effort to bring that war to a close; and

WHEREAS many of our American boys, having little or no choice in the matter, have been called to fight an entirely different type of war in a far-away land peopled and infiltrated by indistinguishable allies and enemies; and

WHEREAS the horrors of war, whether declared or undeclared, are universally well known, but are known to none so well as to those in active combat who must constantly face the possibility of instant death or untold agony; and

WHEREAS many American soldiers have been killed or maimed as the result of actions of inhabitants of hostile villages and experience has proved that neither age nor sex of the inhabitants is a limitation on the ability to pull a trigger or to toss a hand grenade; and

WHEREAS the killing of innocent women, children and aged persons is no case to be condoned, it is inconceivable that this young man, or any young man, who is ordered by his military command into combat in a foreign land for the primary purpose of destroying the enemy, should even be tried, much less convicted, for his actions in line of duty; and

WHEREAS circumstances of war in Vietnam are such that chances of risks involved may not be long calculated nor may personal compassion be indulged by any soldier without the probability of death from a single blast from a single gun of a single unsuspected enemy; and

WHEREAS Lt. Calley's conviction is devastating to the morale of our own troops who are in a quandry as to whether

they prefer to be damned for obeying orders or damned for not obeying them or who might well be picked off by the enemy while vacillating between such preferences; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama respectfully requests the Congress of the United States to institute immediate proceedings for a thorough investigation of the conviction of Lt. Calley for the so-called My Lai murders; that all evidence presented and testimony of witnesses be re-evaluated and proceedings reviewed; that every possible source of new evidence be obtained; and that every consideration be given to the devastating effect of such conviction on the morale of our own troops and on its resulting aid and comfort to our enemies.

BE IT FURTHER RESOLVED That the President of the United States is hereby respectfully requested to suspend the sentence of Lt. Calley pending the completion of the above referred to investigation; and, in any case, to suspend such sentence until the trial and conviction of persons who performed similar actions under similar circumstances.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to the President and to each member of Congress of the United States.

Approved April 14, 1971.

Time: 2:20 P.M.

Act No. 17

H. 63—Stubbs, Wynot, Carnes, Waldrop, Adwell, Jones (Jeff.), Bowers, Therrell, Robertson, Headley, Culver, Collins, Bank, Lang, Parker (Tusc.), Reid, Gafford, Connell, Burgess, Smith (Tallapoosa), Casey, Smith (Talladega), Hobbie

AN ACT

To amend Section 209, Title 26, Chapter 4, Code of Alabama 1940, as last amended, so as to provide for extended unemployment compensation benefits.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 209, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

“§ 209. Duration of benefits.—A. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of twenty-six times his weekly benefit amount, and one-third of the wages paid to him for insured work during his base period; provided that such total amount of benefits, if not a multiple of one dollar, shall be computed to the nearest multiple of one dollar. For the purpose of this article, wages shall be counted as “wages for insured work” for benefit purposes with respect to any benefit year only if such wages were paid in the base period immediately preceding such benefit year. In determining an individual’s benefit rights, remuneration payable but unpaid to such individual shall to the extent that regulations promulgated by the director prescribe, be deemed to be “wages paid” to such individual.

B. Extended benefits.—Notwithstanding any other provisions of this title the duration of benefits as provided in subsection A of this section shall be extended as provided in this subsection B.

(11 Definitions.—As used in this subsection, unless the context clearly requires otherwise—

- (A) “Extended benefit period” means a period which
 - (i) begins with the third week after whichever of the following weeks occurs first:
 - (a) a week for which there is a national “on” indicator, or
 - (b) a week for which there is a State “on” indicator; and
 - (ii) ends with either of the following weeks, whichever occurs later:
 - (a) the third week after the first week for which there is both a national “off” indicator and a State “off” indicator; or
 - (b) the thirteenth consecutive week of such period;

Provided, That no extended benefit period may begin by reason of a State “on” indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this State; and

Provided further, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this State solely by reason of a State “on” and a State “off” indicator, respectively.

(B) There is a "national 'on' indicator" for a week if the U. S. Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States equaled or exceeded 4.5 percent.

(C) There is "national 'off' indicator" for a week if the U. S. Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 percent.

(D) There is a "State 'on' indicator" for this State for a week if the director determines, in accordance with the regulations of the U. S. Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this subsection

(i) equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, and

(ii) equaled or exceeded 4 percent.

(E) There is a "State 'off' indicator" for this State for a week if the director determines, in accordance with the regulations of the U. S. Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this subsection—

(i) was less than 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, or

(ii) was less than 4 percent.

(F) "Rate of insured unemployment," for the purposes of paragraphs (1) (D) and (1) (E) of this subsection, means the percentage derived by dividing

(i) the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the director on the basis of his reports to the U. S. Secretary of Labor, by

(ii) the average monthly employment covered under this Title for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

(G) "Regular benefits" means benefits payable to an individual under this Title or under any other State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(H) "Extended benefits means benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

(I) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period.

(J) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(i) has received, prior to such week, all of the regular benefits that were available to him under this Title or any other State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week;

Provided, That, for the purposes of this subparagraph (J), an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(ii) his benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

(iii) (a) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other Federal laws as are specified in regulations issued by the U. S. Secretary of Labor; and (b) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(K) "State law" means the unemployment insurance law of any State, approved by the U. S. Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(2) **Effect of State law provisions relating to regular benefits on claims for, and the payment of, extended benefits.**—Except when the result would be inconsistent with the other provisions of this subsection, as provided in the regulations of the director, the provisions of this Title which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(3) **Eligibility requirements for extended benefits.**—An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

(A) he is an "exhaustee" as defined in subparagraph (1) (J),

(B) he has satisfied the requirements of this Title for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipts of benefits.

(4) **Weekly extended benefit amount.**—The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(5) **Total extended benefit amount.**—The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be fifty percent, rounded to the nearest multiple of one dollar, of the total amount of regular benefits which were payable to him under this Title in his applicable benefit year.

(6) (A) **Beginning and termination of extended benefit period.**—Whenever an extended benefit period is to become effective in this State (or in all States) as a result of a State or a national "on" indicator, or an extended benefit period is to be terminated in this State as a result of a State "off" indicator or State and national "off" indicators, the director shall make an appropriate public announcement.

(B) Computations required by the provisions of subparagraph (1) (F) shall be made by the director, in accordance with regulations prescribed by the U. S. Secretary of Labor."

Section 2. For the purpose of this Act the most recent week prior to the passage of this Act for which there was a

"State 'on' indicator" will be deemed to be the first week for the year 1971 for which there is a "State 'on' indicator" and all provisions of this Act will become effective as of the first day of such week except that no extended benefits shall be paid for any week of unemployment which ends prior to this Act becoming law.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

Section 4. This Act to take effect upon its passage and approval by the Governor or its otherwise becoming law.

Approved April 14, 1971.

Time: 5:07 P.M.

Act No. 18

H. 64—Stubbs, Carnes, Adwell

AN ACT

To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of adding an addition to the building now occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, and/or purchasing furnishings and equipment therefor, on the north side of Monroe Street in the City of Montgomery, said addition to said building being necessary because of the increased workload of said Division, and the same to be used exclusively by employees of said Division of Employment Security.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Industrial Relations out of the monies credited to this State's account in the Unemployment Trust Fund, by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, the sum of \$534,500 or so much thereof as may be necessary, to be used under the direction of the Director of Industrial Relations for the purpose of adding an addition to the building now occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, and/or purchasing furnishings and equipment therefor, on the north side of Monroe Street in the City of Montgomery, said addition to said building being necessary because of the increased workload of said Division, and the same to be used exclusively by employees of said Division of Employment Security. The preparation of all plans and specifications for any building or addition to any

building constructed wholly or in part with any of the appropriations made herein, and any work done hereunder in regard to construction of or addition to any building, existing or new, with any of the appropriation made herein, shall be supervised by the Alabama Building Commission or any agency that may be designated by the Legislature as its successor.

Section 2. No part of the money hereby appropriated may be obligated after the expiration of the 2-year period beginning on the date of enactment of this Act. Money requisitioned pursuant to this Act shall, until expended, remain a part of the Unemployment Trust Fund. Any unexpended balance shall revert to this State's account in the Unemployment Trust Fund at the close of such 2-year period, or at such earlier date as is practicable.

Section 3. The amount obligated pursuant to this Act during any 12-month period beginning on a July 1st and ending on the next June 30th, shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this State pursuant to Section 903 of the Social Security Act during such 12-month period and the fourteen preceding 12-month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State during such fifteen 12-month periods.

Section 4. The provisions of Paragraph B (3) of Section 199 of Title 26, Code of Alabama 1940, as amended, in conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved April 14, 1971.

Time: 5:10 P.M.

Act No. 19

H.J.R. 11—Carnes, Wynot, Waldrop

HOUSE JOINT RESOLUTION

WHEREAS, There existed for a long time the need for a new bridge over the Coosa River in Etowah County, Alabama; and

WHEREAS, Slaughter McMahan worked long and tirelessly in an effort to have such a bridge built; and

WHEREAS, Said Slaught McMahan served as a faithful and loyal servant of the people as a member and as Chairman of the Etowah County Board of Revenue; and

WHEREAS, The task of building the said bridge has been undertaken and completed over the Coosa River on Etowah County Road Number 287;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the bridge on Etowah County Road Number 287 over the Coosa River in Etowah County, Alabama, be named the Slaught McMahan Bridge, and that appropriate plaques be installed thereon.

Approved April 15, 1971.

Time: 4:15 P.M.

Act No. 20

H.J.R. 12—Carnes, Wynot, Waldrop

HOUSE JOINT RESOLUTION

WHEREAS the Honorable Roy D. McCord of Gadsden has been an active attorney in the practice of law for over 50 years; and

WHEREAS the Honorable Roy D. McCord has served for many years as a Commissioner of the Alabama State Bar Association; and

WHEREAS the Honorable Roy D. McCord has rendered much assistance to his fellow attorneys, and especially young attorneys starting out in the practice of law; and

WHEREAS the Honorable Roy D. McCord has served the State of Alabama in many capacities and has been active in the civic affairs of his home city and county; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That this body does honor the Honorable Roy D. McCord of Gadsden, Alabama for his long faithful and outstanding service to the State of Alabama and the citizens thereof.

BE IT FURTHER RESOLVED That the Clerk of the House transmit a copy of this Resolution to the Honorable Roy D. McCord.

Approved April 15, 1971.

Time: 4:16 P.M.

Act No. 21

H.J.R. 15—Hobbie, Taylor, Harris, Jones,
Straiton

HOUSE JOINT RESOLUTION

WHEREAS the State of Alabama suffered a grievous loss in the death of Dr. Burton F. Austin, former State Health Officer and native of Geneva County, who passed away in Montgomery, Alabama on October 27, 1970 after many years of valuable public service; and

WHEREAS Dr. Austin was a 1917 graduate of the University of Alabama Medical School and received his Master of Public Health degree from Harvard University in 1923; he was widely recognized for his knowledge and experience in public health matters and was considered one of this state's best known authorities on emphysema; and

WHEREAS Dr. Austin retired from the State Health Department in 1947 after 27 years of exceptional and devoted service and, upon leaving the Health Department, he was associated with the Veterans Administration Regional Office in Montgomery for over 20 years where his depth of understanding of the particular needs of veterans as well as his medical skill endeared him to his patients and associates; immediately prior to his last illness he had been admittance officer at Veterans Hospital in Tuscaloosa; and

WHEREAS Dr. Austin was a veteran of World War I, was a member of the Disabled American Veterans and a 30-year member of the American Legion; he served as Post Commander, District Commander and Department Commander, was a member of the National Committee on Aid to War Orphans, was a National Executive Committeeman and for several years was Department of Americanism Chairman; he was State Commander from 1937 to 1938; and

WHEREAS Dr. Austin was the husband of the former Ruby Folsom, brother-in-law of former Governor James E. Folsom and step-father of our first lady, Mrs. George C. Wallace; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. Burton F. Austin whose many contributions to this State were wide and varied. We extend our heartfelt sympathy and sincere condolences to the members of Dr. Austin's family to whom copies of this Resolution shall be sent.

Approved April 15, 1971.

Time: 4:17 P.M.

Act No. 22

H.J.R. 16—Hobbie, Taylor, Harris, Jones,
Straiton

HOUSE JOINT RESOLUTION

Whereas the city of Montgomery lost one of its most prominent and progressive young men when Mr. Bruce A. Pickens passed away on March 10, 1971 as a result of injuries sustained in an automobile accident and

Whereas Mr. Pickens, who was a native of Akron, Ohio, had for some time been manager of Avis rental car agency in Montgomery and had been most active in business and civic affairs; and

Whereas Mr. Pickens was a graduate of Auburn University, was a member of Montgomery Rotary Club, Econchati Toastmasters and several professional organizations; and

Whereas Mr. Pickens is survived by his widow and four children and a host of friends who mourn his death; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the untimely death of Mr. Bruce A. Pickens and extend our heartfelt sympathy to his bereaved family to whom a copy of this resolution shall be sent.

Approved April 15, 1971.

Time: 4:18 P.M.

Act No. 23

H.J.R. 17—Hobbie, Taylor, Harris, Jones,
Straiton

HOUSE JOINT RESOLUTION

Whereas, Doy H. Hammond died on January 31, 1971, after suffering with diabetes for twenty-five years and having been blinded by the disease for more than two years before his death; and

Whereas, Mr. Hammond took training for the blind and did not let his blindness deter him; he continued with his business activities; and he continued in his fight to save others from this dread disease; and

Whereas, Mr. Hammond was past president of the State Plumbing Association, president of the Montgomery County Lay Diabetic Association, a staunch supporter of the Diabetic

Trust Fund in Birmingham and of the diabetic wing of the University Hospital in Birmingham; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express deepest grief upon the death of Doy H. Hammond and extend to the surviving members of his family our sincere sympathy.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to his widow Mrs. Mary Macon Hammond.

Approved April 15, 1971.

Time: 4:19 P.M.

Act No. 24

H.J.R. 18—Hobbie, Taylor, Harris, Jones,
Straiton

HOUSE JOINT RESOLUTION

Whereas, John Hall Haardt, one of Montgomery's most prominent business and civic leaders, departed this life on Monday, February 8, 1971; and

Whereas, John Hall Haardt was well known and well beloved throughout the entire State of Alabama for his many achievements in civic and cultural affairs, having held high office in Pioneers of Montgomery, Rotary, Montgomery Museum of Fine Arts, and the Tukabatchie Council of the Boy Scouts of America; and

Whereas, Mr. Haardt was also admired and respected as a business leader, having been named "Realtor of the Year" for the City of Montgomery and the State of Alabama, and having been active in Men of Montgomery, the Montgomery Area Chamber of Commerce, Downtown Unlimited, and other business groups dedicated to the development of the Montgomery area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply mourns the passing of John Hall Haardt, and that his loss will be felt not only in Montgomery but in the whole state.

BE IT FURTHER RESOLVED, that we extend our deepest and most heartfelt sympathy to the widow and daughter of John Haardt, and hereby order that a copy of this resolution be sent to the bereaved family.

Approved April 15, 1971.

Time: 4:20 P.M.

Act No. 25

H.J.R. 19—Reed

HOUSE JOINT RESOLUTION

WHEREAS Ronald Calvin Ruff, age 20 and a citizen of Macon County was killed in Viet Nam on February 14, 1971; and

WHEREAS he is greatly mourned by his friends in Macon County and especially by his parents Mr. Calvin Coolige Ruff and Mrs. Carolyn Orphelia Ruff who reside at Notasulga, Alabama; and

WHEREAS Ronald Calvin Ruff did serve bravely and honorably from July 1970 until the time of his death; and

WHEREAS this young man did live the type of life and faithfully and honorably serve his country in a manner which should serve all the youth of this country as an example; and

WHEREAS the Legislature of Alabama wishes to honor his memory; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this fine young man and soldier and do pass this Resolution as a memorial to his exemplary life, his bravery and his service to this country.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to his parents, and that a copy be sent to The Tuskegee News.

Approved April 15, 1971.

Time: 4:21 P.M.

Act No. 26

H.J.R. 20—Jones (Montgomery), Straiton,
Harris, Hobbie

HOUSE JOINT RESOLUTION

WHEREAS, Mrs. Louise Starr has been elected to the office of National President of the Supreme Emblem Club of America; and

WHEREAS, this club is known throughout the state and nation for its educational, civic and charitable enterprises, the Montgomery Club having given a number of nurses training scholarships to the high school graduates of the city and county; and

WHEREAS, Mrs. Starr has brought good will and honor to the City of Montgomery and the State of Alabama through her active participation and able leadership in the Supreme Emblem Club, having served with distinction since 1949 as a charter member of the Montgomery Club, and as Fourth Vice President, Third Vice President, Second Vice President and First Vice President of the Supreme Emblem Club of America prior to her election as National President; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Starr on her recent election to the highest office of this esteemed fraternal organization and wish her continued success in her position as National President of the Supreme Emblem Club of America.

Approved April 15, 1971.

Time: 4:22 P.M.

Act No. 27 H.J.R. 21—Jackson, Wise, Adams, Adwell, Baker, Barkett, Bassett, Benton, Boles, Boutwell, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Dill, Doss, Downing, Easters, Edwards, Ellis, Erdreich, Falkenburg, Fite, Flippo, Goodwin, Grainger, Gray, Hale, Hardin, Harris, Headley, Hill, Hobbie, Jones (E), Jones (F), King, Kinsey, Lang, Lutz, Lyons, McBride, McCluskey, McCorquodale, Mathews, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (H), Parker (T), Perloff, Pruitt, Reed, Roberts, Robertson, St. John, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Timmons, Turner, Turnham, Waggoner,

Waldrop, Wallace, Warren, Williams,
Wynot

HOUSE JOINT RESOLUTION

WHEREAS Millard "Dixie" Howell died on March 2, 1971, after a two year fight against cancer; and

WHEREAS "Dixie" was a former University of Alabama football star and Rose Bowl hero, a defensive safety, runner, passer and punter; and

WHEREAS he was a triple threat, All-South Eastern Conference choice in 1933 and 1934 and All-American 1934; the first South Eastern Conference player to be named "most valuable" in the Nashville Banner Awards in 1934, was elected to the National Collegiate Conference Hall of Fame for his great performance with the Crimson Tide in the Rose Bowl game of 1935; and was recently inducted into the Alabama Sports Hall of Fame; and

WHEREAS after serving with distinction in the navy during World War II, Dixie Howell returned to his alma mater as a football coach and later coached at the University of Mexico and in Arizona and Idaho; and

WHEREAS he not only starred in football, but also starred as a shortstop on the University of Alabama baseball team and after graduation played a brief time with the Dixie Amateur League, the Texas League and the Detroit Tigers; and

WHEREAS Dixie Howell has been an inspiration to many; his courage and determination, and his vast achievements in the field of athletics has been acclaimed throughout the nation, and as redounded to his home state of Alabama, and to his town of Hartford; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we lament the death of this distinguished native son and extend our deepest sympathy to the members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow.

Approved April 15, 1971.

Time: 4:23 P.M.

WHEREAS, the Emma Sansom High School baseball team of Gadsden, Alabama, won the 3-A, 4-A State of Alabama High School Baseball Championship for 1970, and

WHEREAS, Coach Gary Muskett and the Emma Sansom baseball team have brought great credit to Emma Sansom High School and their community,

NOW THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that the said Emma Sansom High School baseball team be commended for winning the 1970 State of Alabama 3-A, 4-A Championship, and the said Coach Gary Muskett and the Emma Sansom High School baseball team be commended for the great credit they have brought to Emma Sansom High School and their community.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Emma Sansom High School baseball team; Coach Gary Muskett and his coaching staff; to each 1970 senior member of the baseball team; Rip Reagan, principal of Emma Sansom High School; Emma Sansom "S" Club; Emma Sansom Alumni "S" Club; Lesley Gilliland, Mayor, City of Gadsden; Dr. Mort Glosser, Superintendent of Gadsden City Schools; and Harry Sizemore, Chairman of the Etowah County Commission.

Approved April 15, 1971.

Time: 4:24 P.M.

Act No. 29

H.J.R. 23—Waldrop, Carnes, Wynot

HOUSE JOINT RESOLUTION

WHEREAS, the Emma Sansom High School "Rebel Marching Band" of Gadsden, Alabama, has for many years distinguished itself by winning three Veterans of Foreign War national band championships, numerous state and regional honors, and has placed first four times in the "Greatest Bands in Dixie" contest, and

WHEREAS, the said Emma Sansom High School "Rebel Marching Band" did place first in the "Greatest Bands in Dixie" contest, held during the Mardi Gras Festival in New Orleans, Louisiana in February, 1971, and

WHEREAS, the Legislature of Alabama deems it appropriate that the said Emma Sansom High School "Rebel Marching Band" be commended for the distinction and honor it has brought upon its members, Emma Sansom High School, the community and state,

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that the Emma Sansom High School "Rebel Marching Band" be commended for placing first in the "Greatest Bands in Dixie" contest and that said band be further commended for the distinction and honor that it has brought upon its members, Emma Sansom High School, the community and the state.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Emma Sansom High School "Rebel Marching Band"; Pat Morrow, the capable and dedicated director of said band; Rip Reagan, principal of the said Emma Sansom High School; Emma Sansom High School Band Booster's Club; Mayor Lesley Gilliland of the City of Gadsden; Dr. Mort Glosser, Superintendent of Gadsden City Schools; and Harry Sizemore, Chairman of the Etowah County Commission.

Approved April 15, 1971.

Time: 4:25 P.M.

Act No. 30

H.J.R. 24—Waldrop, Coshatt, Carnes, King,
Wynot, Lyons

HOUSE JOINT RESOLUTION

WHEREAS, George C. Wallace, Jr. has distinguished himself as a young man of high talent and great musical ability, and both as a writer and a performer, and

WHEREAS, the said George C. Wallace, Jr. has shown himself to be a person of great dignity and has well represented the people of Alabama on the Dick Cavett, Mike Douglas, and other talk programs on television, and

WHEREAS, the Legislature of Alabama deems it appropriate that the said George C. Wallace, Jr. be commended for the high credit which he has reflected upon the people of Alabama,

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that the said George C. Wallace, Jr. is hereby commended for representing the people of Alabama well on the national network television talk programs.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the said George C. Wallace, Jr. and his family.

Approved April 15, 1971.

Time: 4:26 P.M.

Act No. 31

H.J.R. 25—Carnes, Waldrop, Wynot

HOUSE JOINT RESOLUTION

WHEREAS, Paul Ryan served as a faithful and loyal servant of the people of Etowah County as County Engineer for twenty-four years, and

WHEREAS, the said Paul Ryan was loved and respected by the people of Etowah County because of his great ability, his untiring devotion to his work, and his high character and integrity, and

WHEREAS, the Legislature of Alabama has been grieved to learn of the recent passing of the said Paul Ryan,

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof, concurring, that the legislature of Alabama does mourn the passing of the said Paul Ryan and extends its heartfelt sympathy to his widow and family.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the widow and family of the said Paul Ryan.

Approved April 15, 1971.

Time: 4:28 P.M.

Act No. 32

H.J.R. 26—Carnes, Waldrop

HOUSE JOINT RESOLUTION

WHEREAS, Tulane University has for several years been actively engaged in the strengthening of its football program, and

WHEREAS, the Tulane University football team did in 1970 complete its most successful football season in many years, with an 8-4 record, and

WHEREAS, the said Tulane University football team did receive and accept its first bid to play in a bowl game in thirty years, and

WHEREAS, the said Tulane University team did defeat the University of Colorado 17-3 in the 1970 Liberty Bowl, and did thereby bring high credit to the South,

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that the Tulane University football team is commended for winning

the 1970 Liberty Bowl by defeating the University of Colorado 17-3, and the said football team is further commended for the high credit which it brought to the South by winning said game.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Tulane University football team; Rix Yard, Director of Athletics of Tulane University; Dr. Longenecker, the President of Tulane University; Beatrice Field, Director of Alumni Activities of Tulane University; Dr. E. Lee Hoffman, the Director of Planning of Tulane University; Dean John Stibbs, Dean of Men of Tulane University; and Coach Ellender and the coaching staff of the Tulane University football team.

Approved April 15, 1971.

Time: 4:27 P.M.

Act No. 33

H.J.R. 27—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT when the two Houses adjourn today, they adjourn to meet again on Wednesday, April 7, 1971, and when they adjourn on Wednesday, April 7, 1971, they adjourn to meet again on Thursday, April 8, 1971.

Approved April 15, 1971.

Time: 4:29 P.M.

Act No. 34

H.J.R. 29—Crawford, Connell

HOUSE JOINT RESOLUTION

WHEREAS the Abbeville High Yellow Jackets played consistently superior basketball throughout the season and won the Class AA Basketball Championship held in Tuscaloosa March 4, 5 and 6 of this year; and

WHEREAS the high percentage of their shots both from the floor and free throw line, their floor play, their ability to sweep the back boards and their overall team work and enthusiasm made this an exceptionally well rounded team which richly deserved the victory they won; and

WHEREAS Mr. Gary Fleming, in his first year as head basketball coach at Abbeville High School, is due much credit not only for the high degree of technical skill displayed in team

play but also for the fine spirit and will to win which is necessary to a winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Abbeville High Yellow Jackets for winning the State Class AA Basketball Championship and congratulate, Mr. Gary Fleming, their coach and Mr. Gordon Holmes, principal of Abbeville High School.

RESOLVED FURTHER, That copies of this resolution shall be sent to Mr. Fleming, Mr. Holmes and to each team member of the Abbeville High Yellow Jackets.

Approved April 15, 1971.

Time: 4:30 P.M.

Act No. 35

H.J.R. 31—Cross, Carter

HOUSE JOINT RESOLUTION

WHEREAS, The Hazlewood High School football team of Town Creek, Alabama, won the 1-A State of Alabama High School Football Championship for 1970; and

WHEREAS, Coach Guin Holland and the Hazlewood Football Team have brought great credit and honor to Hazlewood High School and their community.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that the said Hazlewood High Football Team be commended for winning the 1970 State of Alabama 1-A Championship and the said Coach Guin Holland and the Hazlewood High School Football Team be commended for the great credit they have brought to Hazlewood High School and their community.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Hazlewood High School Football Team; Coach Guin Holland and his coaching staff; principal of Hazlewood High School; Superintendent of County Schools; Mayor, City of Town Creek, Alabama; and W. J. Lee, Jr., Chairman of the Lawrence County Commission.

Approved April 15, 1971.

Time: 4:31 P.M.

Act No. 36

H.J.R. 33—Smith (P)

HOUSE JOINT RESOLUTION

WHEREAS, our esteemed colleague, Charles Grainger of Madison County, has by his interest and efforts on behalf of the school children of Alabama, achieved for them a much safer environment while being transported to and from school, by his design and sponsorship of an Act passed in the Regular Session of 1969 which provided rules for the safe transportation and maintenance of school buses; and

WHEREAS, this Act provided for the periodic safety inspection of all vehicles used for transporting pupils, whether such vehicles are publicly or privately owned; and

WHEREAS, the Act required special training and licensing of all drivers of such vehicles, and many other sound and responsible measures for the safer operation of the school transportation system throughout the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body extends to Charles Grainger our gratitude for a job well done, and to mark it for all time, hereby resolves that Act No. 281, House Bill 279, of the Regular Session of 1969, be henceforth known and cited as the "Grainger School Bus Safety Act."

Approved April 15, 1971.

Time: 4:32 P.M.

Act No. 37

H.J.R. 34—Snell

HOUSE JOINT RESOLUTION

WHEREAS, The Valley High School football team of Fairfax, Alabama, won the 3-A State of Alabama High School Football Championship for 1970; and

WHEREAS, Coach Doug Lockridge and the Valley High School Football Team have brought great credit and honor to Valley High School and their community;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof, concurring, That said Valley High School Football Team be commended for winning the 1970 State of Alabama 3-A Championship and the said Coach Doug Lockridge and the Valley High School Football Team be commended for the great credit they have brought to Valley High School and their community.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Valley High School Football Team; Coach Doug Lockridge and his Coaching Staff; Principal of Valley

High School; Superintendent of Chambers County Schools; and Honorable O. D. Alsobrook, Chambers County Probate Judge.

Approved April 15, 1971.

Time: 4:33 P.M.

Act No. 38 H.J.R. 35—Drake, St. John, Fite, Adams, Agee, Baker, Bank, Barkett, Bassett, Benton, Boles, Boutwell, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Easters, Edwards, Ellis, Erdreich, Falkenburg, Flippo, Gafford, Gloor, Goodwin, Grainger, Gray, Grey, Hale, Hardin, Harris, Headley, Hill, Jackson, Jones (E), Jones (F), King, Kinsey, Lang, Lyons, Lutz, McBride, McCluskey, Manley, Mathews, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (T), Perloff, Pruitt, Reed, Reid, Reynolds, Roberts, Robertson, Slate, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Turnham, Waggoner, Waldrop, Wallace, Warren, Weeks, Williams, Wise, Wood, Wynot

HOUSE JOINT RESOLUTION

WHEREAS word has reach this body that former Governor James E. Folsom has been hospitalized again, but is improving; and

WHEREAS the State of Alabama prospered in many ways under two administrations of one of this State's most colorful governors, affectionately known to his many friends as "Big Jim"; and

WHEREAS James E. Folsom has become, in his lifetime, an almost legendary figure in the political history of this State, a man who caught the imagination of the masses of people in Alabama, and shared their exuberance and zeal for change; and

WHEREAS James E. Folsom, in his two terms as Governor of this State, worked manfully and zealously for the welfare of the citizens of Alabama, and the beneficial effect of his labors is still felt today; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we regret to hear that Governor Folsom is back in the hospital. We send him our highest regards and we are confidently hoping and praying for his speedy and complete recovery.

Approved April 15, 1971.

Time: 4:34 P.M.

Act No. 39

H.J.R. 36—Lang, Adams, Adwell, Agee, Baker, Bank, Barkett, Bassett, Benton, Boles, Boutwell, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Connell, Coshatt, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters, Edwards, Ellis, Erdreich, Falkenburg, Fite, Flippo, Gafford, Goodwin, Grainger, Gray (F), Grey (D), Hale, Hardin, Harris, Headley, Hill, Hobbie, Jackson, Jones (E), Jones (F), King, Kinsey, Lutz, Lyons, McBride, McCluskey, McCorquodale, Manley, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Perloff, Pruitt, Reed (T), Reid (R), Reynolds, Roberts, Robertson, Slate, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Turnham, Waggoner, Waldrop, Wallace, Warren, Weeks, Williams, Wise, Wood, Wynot

HOUSE JOINT RESOLUTION

WHEREAS Mr. Ulie B. Sullivan of Pickens County passed away on March 8; and

WHEREAS Mr. Ulie B. Sullivan did serve the people of this State and particularly Pickens County as a public official long and faithfully for many years of his life, including eighteen years as tax collector in Pickens County; and

WHEREAS MR. Sullivan did serve in this State Legislature for two terms; and

WHEREAS Mr. Sullivan was one of the civic leaders in Pickens County; and

WHEREAS he is greatly mourned by many citizens of this State and particularly citizens of Pickens County and by members of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow of the passing of this distinguished citizen and do pass this resolution to the exemplary life of this outstanding man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to his bereaved family.

Approved April 15, 1971.

Time: 4:35 P.M.

Act No. 40

H.J.R. 38—St. John, Drake, Lyons, et al

HOUSE JOINT RESOLUTION

WHEREAS Mr. L. D. McDonald passed away on April 3 of this year; and

WHEREAS Mr. L. D. McDonald is the father of our distinguished colleague Sid McDonald; and

WHEREAS Mr. McDonald had retired in 1962 but had remained active as Chairman of the Board of the Brindlee Telephone Company; and

WHEREAS Mr. McDonald had lived a long and active life and was one of the distinguished citizens of the City of Arab and Marshall County; and

WHEREAS Mr. McDonald will be greatly mourned by the citizens of this State, the members of this Legislature and his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does greatly mourn the passing of Mr. L. D. McDonald and does pass this resolution as a memorial to his outstanding life.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to his bereaved family.

Approved April 15, 1971.

Time: 4:36 P.M.

Act No. 41

H.J.R. 39—Falkenburg, Adams, Adwell, Agee, Baker, Bank, Bassett, Benton, Boles, Boutwell, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters, Edwards, Ellis, Erdreich, Fite, Flippo, Gafford, Gloor, Goodwin, Grainger, Gray, Grey, Hale, Hardin, Harris, Headley, Hill, Hobbie, Jackson, Jones (E), Jones (F), King, Kinsey, Lang, Lutz, Lyons, McBride, McCluskey, Manley, Mathews, May, Meeks, Merrill, Naramore, Nettles, O'Daniel, Parker (H), Parker (T), Perloff, Pruitt, Reed, Reid, Reynolds, Roberts, Robertson, St. John, Slate, Smith (K), Smith (P), Snell, Stokes, Straiton, Stubbs, Therrell, Timmons, Waggoner, Waldrop, Wallace, Warren, Weeks, Williams, Wise

HOUSE JOINT RESOLUTION

WHEREAS, Judge George Lewis Bailes, of the Tenth Judicial Circuit of Alabama, assumed the status of Supernumerary Circuit Judge on January 18, 1971; and

WHEREAS, this distinguished son of North Carolina, was educated at Mars Hill College, Wake Forest University and the School of Law of the University of Alabama; and

WHEREAS, he served his country with the Sixth Division, U. S. Army, American Expeditionary Forces during the first World War; and

WHEREAS, he entered the practice of law in 1915; serving as assistant City Attorney for Birmingham, Alabama, from 1919 to 1922; serving as Circuit Solicitor of Jefferson County, Alabama, from 1928 to 1941, from which office he resigned to accept appointment to the Circuit Bench; and

WHEREAS, he has been most active in the civic and fraternal affairs of his county, a Shriner, Pythian, Eagle, Kiwanian and Legionnaire; and

WHEREAS, for fifty years he has served as a Sunday School teacher in addition to presenting the International Sunday School lesson to his community through the radio and the press; and

WHEREAS, his son, George Lewis Bailes, Jr., in the proud tradition of service of the father now serves this Legislature as a distinguished Senator from Jefferson County; and

WHEREAS, this Honorable Gentleman of the South, has truly distinguished the Bench of this state for almost three decades; giving of his compassion, his intellect, his love and his devotion to an Almighty Creator, that man's burden might not be so heavy or his torment so painful; and

WHEREAS, his life and service are an inspiration to us all; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Honorable George Lewis Bailes be commended for his distinguished service to the citizens of Alabama, and that he have the best wishes of this Legislature as he assumes the status of Supernumerary Circuit Judge; and that a copy of this resolution be sent to Judge Bailes as a token of our appreciation and esteem.

Approved April 15, 1971.

Time: 4:37 P.M.

Act No. 42

H.J.R. 40—Cherner

HOUSE JOINT RESOLUTION

WHEREAS The State of Alabama Optimist Club and the Alabama Fair Park Authority and many other interested in-

dividuals and groups throughout the State of Alabama have worked tirelessly endeavoring to obtain a post-season football game for the City of Birmingham, Alabama; and

WHEREAS The entire State of Alabama would benefit by the playing of a post-season bowl game in the City of Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama does hereby endorse the efforts of the State Optimist Clubs and the Alabama Fair Park Authority and other individuals working on the project referred to above and further does call upon the NCAA to give its approval to a post-season collegiate football game to be played in the City of Birmingham and to be known as the "Christmas Bowl."

Approved April 15, 1971.

Time: 4:38 P.M.

Act No. 43

H.J.R. 41—Adams, Brassell, Turnham

HOUSE JOINT RESOLUTION

WHEREAS the Honorable J. Shannon Burch passed away on June 17, 1970; and

WHEREAS J. Shannon Burch had been an elected official of Russell County for over twenty-eight years, having served as sheriff of Russell County and having been elected without opposition to four six-year terms as probate judge; and

WHEREAS J. Shannon Burch had a multitude of interests and devoted a great deal of his time to church, civic, youth and community activities of Russell County, having served on the board of directors of the Phenix City-Russell County Chamber of Commerce, the Phenix City Boys Club, the Valley Rescue Mission, the Bank of Hurtsboro, the Phenix-Girard Bank, and the Probate Judges Association of Alabama; and

WHEREAS for more than twenty years he did work with the Boy Scouts and was presented a Silver Beaver Award, the highest award a scout can receive in recognition of his service; and

WHEREAS J. Shannon Burch was a member of the Masonic Lodge, the Order of Eastern Star, the Phenix City Shrine Club, the Alcazar Shrine in Montgomery, and the Columbus Lodge of Perfection, Scottish Rite Mason, 32nd Degree; and

WHEREAS he was a deacon in the First Baptist Church of Phenix City; and

WHEREAS he was a member of the Lions Club, the Moose Club, the Russell Cattlemen's Association, the American Legion, the Russell County Mental Health Association and the Phenix City Gun Club; and

WHEREAS J. Shannon Burch lived a most outstanding and exemplary life and will be greatly mourned by his associates, many citizens of this State and his home county, his family, and his many friends in this Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does pass this resolution as a memorial to the life of this outstanding man and as a token of their sorrow at his passing.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to his family.

Approved April 15, 1971.

Time: 4:39 P.M.

Act No. 44

H.J.R. 42—Crowe

HOUSE JOINT RESOLUTION

WHEREAS Mr. Blanton Bennett died in January of this year; and

WHEREAS Mr. Blanton Bennett was a former sheriff of Walker County; and

WHEREAS Mr. Blanton Bennett was one of the original supporters of Boy's Ranch, one of the outstanding cattlemen from his section of the State and a staunch supporter of 4-H activities; and

WHEREAS Mr. Bennett had done much to foster the growth of Walker County; and

WHEREAS he will be greatly missed by his family, friends and members of this Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature does mourn the passing of Blanton Bennett and passes this resolution as a memorial to the exemplary life of this outstanding man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to his widow and family.

Approved April 15, 1971.

Time: 4:43 P.M.

Act No. 45

H.J.R. 43—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today they adjourn to meet again on Tuesday, April 13, 1971, at 12:00 o'clock noon.

Approved April 15, 1971.

Time: 4:44 P.M.

Act No. 46

S.J.R. 16—Foshee, Fine Wilder, McLain

SENATE JOINT RESOLUTION

WHEREAS, Within the last several years the situation in the American textile industry has become increasingly acute and particularly so in the Southern states where the production of cotton and the manufacturing of cotton products constitute the very life blood of this area; and

WHEREAS, Hundreds of Alabamians have lost their jobs or are onto short time manufacture and the foreign competitors who flood our market and force thousands of our citizens completely out of work and market their textiles and apparel under conditions that are illegal in the State of Alabama and in the United States; and

WHEREAS, The government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States; and

WHEREAS, The Japanese proposal has been rejected by the President of the United States, by the Governor of Alabama, by many members of the Congress, including the Senators and Representatives from Alabama, by the American Textile Manufacturers Institute, by the Alabama Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

WHEREAS, The textile markets of the United States are virtually wide open to foreign imports while many of the major

exporters to this country tightly protect their own markets against our textile exports; and

WHEREAS, The American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

WHEREAS, The Alabama Legislature and the people of Alabama are not willing to see these terribly unfair conditions continue to weaken one of their most important industries which together with its supply and related industries over the years have been good, responsible corporate citizens; and

WHEREAS, These unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama respectfully requests the President of the United States and the Congress of the United States to do all in their power through legislative and administrative action to see that order is restored to the chaotic international textile and apparel situation.

BE IT FURTHER RESOLVED, That the Legislature of Alabama expresses to the Alabama Congressional Delegation and to other members of the Congress, who continue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, to each member of Alabama's delegation in the Senate and in the House of Representatives of the United States Congress, to the Secretary of Commerce, to the Secretary of State and to the Clerks of the respective Houses of the United States Congress.

Approved April 15, 1971.

Time: 4:40 P.M.

Act No. 47

S.J.R. 17—Clark

SENATE JOINT RESOLUTION

WHEREAS, Honorable W. D. "Buck" Watson, of Clayton, died on March 3 of injuries received in an automobile accident; and

WHEREAS, Mr. Watson, brother of the late Billy Watson, enjoyed the friendship and respect of many political figures throughout Alabama; and

WHEREAS, Mr. Watson, a long-time employee of the Clayton Post Office, was especially loved by the young people of Clayton; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the untimely death of "Buck" Watson is deeply mourned.

BE IT FURTHER RESOLVED That copies of this resolution be sent to his widow, Mrs. Sarah Prestwood Watson, and his two daughters, Terry Frances and Martha Laurie.

Approved April 15, 1971.

Time: 4:41 P.M.

Act No. 48

S.J.R. 19—Clark

SENATE JOINT RESOLUTION

WHEREAS Mrs. G. O. Wallace, step-grandmother of Governor George C. Wallace and widow of Dr. G. O. Wallace, former probate judge and physician of Barbour County, passed away in Clayton, Alabama on November 19, 1970 at the age of eighty-eight years; and

WHEREAS Mrs. Wallace, the former Nora Mae Wyatt, was born in Owensboro, Kentucky and first came to Alabama to live with her brother in Montgomery; in 1919 she married Dr. Wallace, a widower with several children, and moved with him to Baker Hill in Barbour County; and

WHEREAS upon Mrs. Wallace's marriage, she immediately entered into and became an integral part of the Wallace family, and although she had no children of her own, she helped to rear a family of devoted children and grandchildren by whom she was always affectionately called "Mother Mae"; and

WHEREAS Mrs. Wallace was for fifteen years prior to her retirement in 1951, the highly efficient postmistress in Clayton, where her friendly, cheerful spirit, gracious manner, and careful attention to details won her a host of friends; and

WHEREAS Mrs. Wallace's primary interests in life were her family, her friends and neighbors, and her church, the First United Methodist Church of Clayton, she maintained an

alert and active interest in all people and events up until the time of her death; and

WHEREAS Mrs. Wallace is survived by three step-children, Mrs. Kirke Adams of Ozark, Mrs. Merle Purvis of Geneva and Mr. J. H. Wallace of Abbeville and numerous step-grandchildren, all of whom she cherished as her own; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Mrs. G. O. Wallace, whose full rewarding life enriched the community in which she resided and endeared her to all with whom she came in contact.

BE IT FURTHER RESOLVED, That we extend our deepest sympathy to Mrs. Wallace's family to whom copies of this resolution shall be sent.

Approved April 15, 1971.

Time: 4:42 P.M.

Act No. 49

H. 46—Weeks, Bowers

AN ACT

To amend further Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays; so as to change the designation of Armistice day in subsection 2 thereof to conform with the designation Veterans' day in subsection 1 of said Section.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays is amended to read as follows:

"Section 184. (1) Sunday, Christmas day, New Year's day, Robert E. Lee's birthday, George Washington's birthday, Thomas Jefferson's birthday, Mardi Gras, Confederate Memorial day, Jefferson Davis' birthday, the Fourth day of July, Labor day, Columbus day and Fraternal day, Veterans' day and the day designated by the governor for public thanksgiving, shall each be deemed a holiday. If any holiday falls on Sunday, the following day is the holiday. Veterans' day shall be observed by the closing of all state, county, and municipal offices, and the public schools on such day. The superintendent of banks, with the concurrence of not less than two members of the state banking board, may authorize any state bank to close on National Memorial day, May 30, and on such other days as may be de-

clared by the governor to be state holidays in honor of a special event. In the event any authorized state holiday falls on Friday, the superintendent of banks may authorize the Saturday following that Friday to be a holiday. The superintendent may also authorize the closing of banks at 12:00 noon on the day prior to Christmas day, and the day prior to New Year's day, if such days fall on business days.

“(2) Of the above enumerated legal public holidays, the following shall be observed on the dates herein prescribed:

Robert E. Lee's birthday—the third Monday in January.

George Washington's birthday—the third Monday in February.

Confederate Memorial day—the fourth Monday in April.

Jefferson Davis' birthday—the first Monday in June.

Columbus day and Fraternal day—the second Monday in October.

Veterans' day—the fourth Monday in October.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1971.

Time: 11:00 A.M.

Act No. 50 H.J.R. 44—Ellis, Wallace, Timmons, Parker (H),
Falkenburg, Gafford, Dill, Weeks,
Boutwell, McBride, Waggoner, Jones
(J.E.), Gloor, Doss, Erdreich

HOUSE JOINT RESOLUTION

WHEREAS, after a long illness death came to Browder L. Beasley, merchant and outstanding citizen of Clayton, Alabama, on April 5, 1971; and

WHEREAS, Mr. Beasley was the father of our esteemed Lieutenant Governor; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Browder L. Beasley, and extend our heartfelt sympathy to Governor Beasley, his wife, formerly Sara Baker of Adamsville, and other members of his family.

Approved April 21, 1971.

Time: 5:39 P.M.

Act No. 51 H.J.R. 49—Erdreich, Doss, Falkenburg, Stewart
HOUSE JOINT RESOLUTION

WHEREAS, a drive by the Alabama Conservancy, headed by Dr. Charles Prigmore and Mrs. Robert E. Burks, Jr., has spearheaded the two year drive for the proposed Bee Branch Wilderness Area in the Bankhead National Forest; and

WHEREAS, Senator John Sparkman and Governor George Wallace have endorsed this project and pledged their support thereof; and

WHEREAS, if this project is adopted it will serve to preserve some segment of our wild areas for enjoyment of future generations; and

WHEREAS, it appears that the best interest of the public will be served if the proposed wilderness area, comprising approximately 10,000 acres, could be sanctioned by the U.S. Forest Service, thereby preventing further alteration of the natural beauty which now exists; and

WHEREAS, the Legislature of Alabama wishes to go on record as endorsing this most worthwhile project; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does most heartily endorse the Bee Branch Wilderness Area project.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Clerk of the House to the U. S. Forest Service; Alabama Congressional Delegation, and Honorable George C. Wallace.

Approved April 21, 1971.

Time: 5:40 P.M.

Act No. 52 H.J.R. 52—Culver, et al
HOUSE JOINT RESOLUTION

WHEREAS our distinguished and beloved colleague, Representative Bert Bank of Tuscaloosa will be leaving Thursday,

April fifteenth for a visit to the Philippine Islands, to Bataan and various cities in the Orient, during which time he will visit with his friend, The Honorable Ferdinand Marcos, President of the Philippines; and

WHEREAS in World War II, Representative Bank was a Captain in the United States Air Force, stationed in the Philippines where he fought valiantly until his capture by the Japanese who held him prisoner for three tortuous years; and

WHEREAS Representative Bank and President Marcos were two of the comparatively few survivors of the infamous Bataan death march which took the lives of countless soldiers and civilians who, though starved and wounded, were forced to march night and day for interminable miles without food or water, to a concentration camp where they were subjected to unheard of cruelties; and

WHEREAS Representative Bank is the author of a book entitled **Back From the Living Dead**, in which he describes the atrocities inflicted by the Japanese and most vividly recounts his experiences as a prisoner of war; and

WHEREAS Representative Bank's courage and determination in his personal life is no less than it was in the service of his country; his unselfish devotion to the causes which are in the best interests of his state and county have brought him the respect and devotion which he deserves as a Legislator; his good judgment and business acumen have won for him the Distinguished Broadcaster Award of 1969, as a broadcast executive; and his ebullient spirit and sense of fair play have won for him a host of friends and admirers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That our thoughts and all best wishes go with Representative Bank on his visit to the Philippines and his reunion with his good friend, President Marcos. We wish for him a safe and most enjoyable period throughout his travels and assure him that he carries our esteem and affection with him.

RESOLVED FURTHER, That this Legislature, the Governor of Alabama and the people of this State extend our most cordial greeting to President Marcos of the Philippines, and assure him of our friendship and warmest personal regards.

Approved April 21, 1971.

Time: 5:41 P.M.

HOUSE JOINT RESOLUTION

WHEREAS, Ormand F. Watkins, while performing his duties as an Auxiliary Trooper for the Department of Public Safety, State of Alabama, was shot and killed on April 11, 1971; and

WHEREAS, Auxiliary Trooper Watkins was performing his duties as a patrolman for the State of Alabama; and

WHEREAS, Auxiliary Trooper Watkins left surviving him a wife, Anne Watkins, and a daughter, only eleven days old; and

WHEREAS, Auxiliary Trooper Watkins was shot and killed on his birthday, in the prime of his life, being only 30 years of age; and

WHEREAS, It is provided by law that the family of any State Trooper, killed in the line of duty, shall be entitled to the sum of \$10,000.00, to be paid by the State; and

WHEREAS, It is the sense and recommendation of the Legislature that the family of Auxiliary Trooper, Ormand F. Watkins, to be paid said \$10,000.00 out of the funds provided therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses thereof concurring, that we hereby extend to the family of Auxiliary Trooper, Ormand F. Watkins, our sincere condolences.

BE IT FURTHER RESOLVED, That we recommend to the Governor and the Director of the Department of Public Safety of the State of Alabama that they immediately pay to the family of Auxiliary Trooper Ormand F. Watkins, the sum of \$10,000.00 from the funds set aside for that purpose and that a copy of this resolution be presented to Mrs. Anne Watkins, the wife of Auxiliary Trooper, Ormand F. Watkins, and that this resolution be spread upon the pages of the Journal of the House of Representatives.

Approved April 21, 1971.

Time: 5:42 P.M.

Act No. 54

H.J.R. 54—Stokes, Nettles, Downing, Roberts,
Lyons, Collins, Perloff, Callahan,
Wood, Therrell

HOUSE JOINT RESOLUTION

WHEREAS, the John Shaw High School Band, Mobile, Alabama, was selected to represent the State of Alabama in the 1970 Cherry Blossom Festival, Washington, D. C., and

WHEREAS, the said John Shaw High School Band raised over \$13,000.00 in private funds to attend said festival, and

WHEREAS, at said event the said John Shaw High School Band brought great credit and distinction to itself, the City and County of Mobile and the State of Alabama by placing first among the fifty states in concert competition and fifth in overall competition, and

WHEREAS, the said John Shaw High School Band has in the past achieved numerous other honors for outstanding performance,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the said John Shaw High School be commended for the above stated outstanding accomplishments, and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. William S. Lee and Mr. Noah Lambeth, Band Director and Principal of John Shaw High School respectively, and the Board of School Commissioners, Mobile County, Alabama.

Approved April 21, 1971.

Time: 5:43 P.M.

Act No. 55

H. 55—McDonald

AN ACT

To amend Sections 38 and 51 of Title 18 of the Code of Alabama 1940, relating to electric cooperatives, so as to provide for notice of meetings of members and for the disposition and encumbering of the property of such corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 38 of Title 18 of the Code of Alabama 1940 is hereby amended to read as follows:

"Section 38. Members.—No person who is not an incorporator shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The by-laws of a cooperative may provide that any person, including an incorporator, shall cease to be a mem-

ber thereof if he shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as may be provided in the by-laws. The by-laws may prescribe additional qualifications and limitations in respect of membership. An annual meeting of the members shall be held at such time as shall be provided in the by-laws. Special meetings of the members may be called by the board of trustees, by any three trustees, by not less than ten percent of the members, or by the president. Meetings of members shall be held at such place as may be provided in the by-laws. In the absence of any such provision, all meetings shall be held in the city or town in which the principal office of the cooperative is located. Except as hereinafter otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than five nor more than forty days before the date of the meeting. Five percent of all members present in person shall constitute a quorum for the transaction of business at all meetings of the members, unless the by-laws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the by-laws so provide, may also be by proxy or by mail, or both. If the by-laws provide for voting by proxy or by mail, they shall also prescribe the conditions under which proxy or mail voting shall be exercised. No person shall vote as proxy for more than three members at any meeting of the members."

Section 2. Section 51 of Title 18 of the Code of Alabama 1940 is hereby amended to read as follows:

"Section 51. Disposition of Property.—A cooperative may not sell or lease all or any substantial portion of its property, unless such sale or lease is authorized at a duly held meeting of the members thereof by the affirmative vote of not less than two-thirds of all the members of the cooperative, and unless the notice of such sale or lease shall have been contained in the notice of the meeting. A cooperative may mortgage, by mortgage or deed of trust, pledge or otherwise encumber, to secure any indebtedness of the cooperative, all or any substantial portion of its property, assets, and the revenues and

income therefrom, from time to time, when authorized by the affirmative vote of a majority of its members at a duly held meeting after proper notice thereof. Provided, however, that the board of trustees of a cooperative, without authorization of the members thereof, shall have full power and authority to authorize the execution and delivery of a mortgage or mortgages or a deed or deeds of trust upon, or the pledging or encumbering of, any or all of the property, assets, rights, privileges, licenses, franchises, and permits of the cooperative, whether acquired or to be acquired, and wherever situated, as well as the revenues and income therefrom, all upon such terms and conditions as the board of trustees shall determine, to secure any indebtedness of the cooperative to the United States of America, any instrumentality or agency thereof, or to any financing institution organized on a cooperative plan for the purpose of financing its members' programs, projects and undertakings, in which the cooperative holds membership."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the remainder.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1971.

Time: 10:05 A.M.

Act No. 56

H. 81—Downing, Lyons, Stokes, Therrell,
Perloff, Nettles, Roberts,
Callahan, Collins, Wood

AN ACT

To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 38, Section 77, as amended, is hereby amended further to read as follows:

"Section 77. Pay of Pilots.—The master, owner or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates, for actual draft of water at the time of pilotage: For every vessel crossing the outer bar of Mobile Bay

the sum of eight dollars and twenty-five cents per foot, provided however, the minimum pilot fee shall be computed on a minimum draft of ten feet regardless whether or not such vessel has a draft of less than ten feet at the time of pilotage. In addition to the pilotage fee based on draft of said vessel there shall also be paid to said pilot the following pilotage fees. On said vessels with a length overall not in excess of 499 feet, \$30.00; on said vessels with a length overall in excess of 499 feet, but not in excess of 599 feet, \$40.00; on said vessels with a length overall in excess of 599 feet, but not in excess of 699 feet, \$50.00; on said vessels with a length overall in excess of 699 feet, but not in excess of 799 feet, \$60.00; on said vessels with a length overall in excess of 799 feet, but not in excess of 899 feet, \$70.00; on said vessels with a length overall in excess of 899 feet, but not in excess of 999 feet, \$80.00; on said vessels with a length overall in excess of 999 feet, \$90.00. Vessels trading between any domestic port on the Gulf of Mexico and the port of Mobile, drawing seven feet or less of water, shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. All laws or part of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1971.

Time: 10:06 A.M.

Act No. 57

H. 83—Collins, Lyons

AN ACT

To amend Section 1 of Act No. 367, 1955 General Acts of Alabama, Page 887, approved September 7, 1955, entitled an Act "To provide further for promoting, developing, constructing, maintaining, and operating harbors and ports within the State; to define and prescribe further the jurisdiction, powers, and authority of the state docks department."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 367, 1955 General Acts of Alabama, Page 887, approved September 7, 1955, is hereby amended so as to read as follows:

"Section 1. The State of Alabama may engage in, through the agency of the Alabama State Docks Department provided

and designated by law, works of internal improvement, and of promoting, developing, constructing, maintaining, and operating all harbors, seaports or riverports within the State, or its jurisdiction, including the acquisition or construction, maintaining and operating at seaports and riverports of harbor watercraft and terminal railroads, as well as all other kind of terminal facilities. Such work or improvement and facilities shall be under the management and control of the State through the governing agency provided and designated by law. The Alabama State Docks Department in further promoting harbors, seaports and riverports within the State, through its Director, and such employees as may be designated in writing by the Director, shall be authorized to expend funds of the Department to entertain customers or prospective customers, industrial prospects or in promoting public relations in such manner as the Director deems appropriate, provided, however, that all funds expended under this Act shall be subject to audit and accounting as otherwise provided for by law.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1971.

Time: 10:07 A.M.

Act No. 58

S.J.R. 20—Littleton

SENATE JOINT RESOLUTION

WHEREAS Judge E. A. Grouby, Probate Judge of Autauga County, suffered a severe heart attack on March 2, 1971; and

WHEREAS Judge Grouby is now resting and recuperating at home; and

WHEREAS Judge Grouby has long been a faithful and outstanding servant of the people of Alabama and Autauga County; and

WHEREAS Judge Grouby was a member of this legislative body for four terms before his appointment as Probate Judge of Autauga County; and

WHEREAS all the members of the Legislature wish Judge Grouby a fast and speedy recovery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do wish our esteemed friend, devoted public servant, and former colleague a fast and speedy recovery.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is instructed to send a copy of this resolution to Judge Grouby.

Approved April 26, 1971.

Time: 4:50 P.M.

Act No. 59

S.J.R. 21--Littleton

SENATE JOINT RESOLUTION

WHEREAS Pvt. 1st. class Ralph Wayne Jones, age 21 and a citizen of Autauga County was killed in Viet Nam on April 10, 1971; and

WHEREAS he is greatly mourned by his friends in Autauga County and especially by his mother Mrs. Gladis Lucille Jones and his wife Wanda Jones; and

WHEREAS Pvt. Jones did serve bravely and honorably until the time of his death; and

WHEREAS this young man did live the type of life and faithfully and honorably serve his country in a manner which should serve all the youth of this country as an example; and

WHEREAS the Legislature of Alabama wishes to honor his memory; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this fine young man and soldier and do pass this Resolution as a memorial to his exemplary life, his bravery and his service to this country.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to his mother, and that a copy be sent to his wife.

Approved April 26, 1971.

Time: 4:51 P.M.

Act No. 60

S.J.R. 22—Fine

SENATE JOINT RESOLUTION

WHEREAS Addison High School in Winston County won the State Class AA football championship for the past year; and

WHEREAS Head Coach A. G. Hicks, Assistant Coach Allen Stephenson and the members of the Addison High School Football team worked diligently, long and hard to achieve this fine goal; and

WHEREAS The Alabama Legislature wishes to recognize and compliment them on this outstanding achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does compliment and commend Addison High School upon winning the State Class AA football championship for the year 1970.

BE IT FURTHER RESOLVED THAT The Secretary of the Senate send a copy of this Resolution to the coaches and players at Addison High School.

Approved April 26, 1971.

Time: 4:52 P.M.

Act No. 61

S.J.R. 25—Owen

SENATE JOINT RESOLUTION

WHEREAS Mr. Norman M. McInnis, Jr., passed away February 14 in a Mobile hospital after a short illness; and

WHEREAS Mr. McInnis was one of the outstanding citizens and business leaders of Baldwin County having served as president and general manager of Bacon-McMillan Veneer Manufacturing Company in Stockton for the past thirty years; and

WHEREAS Mr. McInnis served as President of the Baldwin County Electric Membership Cooperative for many years; and

WHEREAS Mr. McInnis was a faithful member of the Presbyterian Church in Stockton where he served as elder and was a former chairman of the Presbyterian Home for Children in Talladega, Alabama; and

WHEREAS Mr. McInnis held many honors including former president of the Alabama Forest Products Association; he was a graduate of Auburn University, member of the Athelstan Club of Mobile, and a number of social and civic organizations in Baldwin County; and

WHEREAS he is greatly mourned by the many citizens of this state and the members of the Alabama Legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this distinguished citizen and do pass this resolution as a memorial to the exemplary life of this outstanding man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Secretary of Senate to his widow and his family.

Approved April 26, 1971.

Time: 4:53 P.M.

Act No. 62

H. 67—Pruett, Lyons, McCorquodale
AN ACT

To amend Sections 2, 3, 4 and 8 of Act No. 3, Acts of Alabama, Regular Session, 1967, Vol. I, p. 336, relating to the deposit of money of the state in state depositories.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Act No. 3, Acts of Alabama, Regular Session, 1967, by striking therefrom Sections 2, 3, 4 and 8 and inserting in lieu thereof the following:

“Section 2. As much money as may be needed for current operational purposes of the state government, as determined by the State Treasurer, in accordance with procedures prescribed by Section 3 hereof, and with the approval of the Governor, shall be maintained at all times in the State Treasury in cash or in demand deposits with state depository banks. The State Treasurer shall apportion such demand deposits among state depositories, giving due consideration to the activities of the various banking accounts maintained therein, the reasonable value of the banking services rendered or to be rendered the state by depository banks and to the value and importance of such deposits to the economy of the communities and the various areas of the state to be affected thereby as indicated by the loan to deposit ratio.

“Section 3. The Commissioner of Revenue shall at least thirty (30) days prior to the effective date of contracts with state depositories covering time deposit, open accounts, furnish to the State Treasurer projections of the income payable into

the state treasury on a monthly basis for the next succeeding three (3) calendar months of the interest period of such contracts. The Director of the Department of Finance shall at least thirty (30) days prior to the effective date of contracts with the state depositaries covering time deposit, open accounts, furnish to the State Treasurer the amount of funds estimated to be needed for all expenditures and payments out of the state treasury, computed on a monthly basis for the next succeeding three (3) calendar months of the interest period of such contracts. The Commissioner of Revenue and the Director of the Department of Finance are authorized to require such information and reports from all state departments, boards, commissions and agencies as may be necessary to carry out their respective functions under this section. Upon receipt of such reports and determinations from the Commissioner of Revenue and the Director of the Department of Finance as herein provided, the State Treasurer shall promptly determine and compute the net minimum balance estimated to be available at any time during the period covered under such contracts for time deposit, open accounts, and shall report such determination and computation to the Director of the Department of Finance. The State Treasurer shall place fifty percent (50%) of the said estimated net minimum balance in time deposit, open accounts, with state depositaries as provided for in Section 4. If operational obligations permit, the amount placed on time deposit, open account, in any state depositary shall be substantially equal to the amount maintained therein in net collected balances on demand deposit during the preceding thirty (30) days, after deducting therefrom any amounts transmitted to or received by said depositary in connection with its services and actions as paying agent for bonded indebtedness of the state, its agencies and instrumentalities.

"Section 4. The State Treasurer is authorized to execute contracts with the state depositaries covering time deposits, open account, provided that no funds may be withdrawn from said account except upon thirty (30) days notice in writing or for the minimum period of time prescribed by applicable banking regulations then in force and effect. The annual rate of interest on time deposits, open account shall be the average for the most recent four (4) weeks of the prices of the ninety-one (91) day United States treasury bill auction, but such annual rate of interest shall not be less than 4% nor greater than 6%, provided, however, the rate shall not exceed the maximum permitted by applicable banking regulations.

"Section 8. Nothing herein contained shall be construed to modify, amend or repeal the provisions of Act No. 66, General Acts of Alabama, 1945, as now existing or hereafter amended,

relating to investment in direct obligations of the United States of America registered in the name of the State Treasurer. All other laws or parts of laws in conflict herewith are hereby repealed."

Section 2. This act shall become effective on the first day of May, 1971.

Approved April 27, 1971.

Time: 3:40 P.M.

Act No. 63

H. 68—Pruitt, Lyons, McCorquodale
AN ACT

To provide for the uniform disposition of unclaimed and abandoned tangible and intangible personal property including a definition of terms, property held by banking or financial institutions, unclaimed funds held by insurance companies, deposits and refunds held by utilities, undistributed dividends and distributions of business association, property of business associations and banking or financial organizations held in course of dissolution, property held by fiduciaries, property held by Federal Courts and Federal officers and agencies, miscellaneous personal property held for another person; to provide for reciprocity for property presumed abandoned or escheated under the laws of another state; to provide for the report of abandoned property; to provide for the notice and publication of lists of abandoned property; to provide for the payment or delivery of abandoned property to the Commissioner of Revenue; to provide for the relief from liability to the holder by payment or delivery to the Commissioner of Revenue; to provide that no income shall accrue after payment or delivery to the Commissioner of Revenue; to provide that periods of limitation shall not be a bar to recovery by the Commissioner of Revenue or the duty to file reports; to provide for the sale of abandoned property; to provide for the deposit and disposition of funds; to provide for the claim for abandoned property paid or delivered; to provide for the determination of claims by the Commissioner of Revenue; to provide for judicial action or review; to provide for election by the Commissioner of Revenue to take payment or delivery in certain cases; to provide for the examination of records; to provide for judicial proceedings to compel payment or delivery; to prescribe penalties; to provide for the administration and enforcement of the Act by the Commissioner of Revenue and the State Department of Revenue; to provide for the effect of laws of other States; to provide for the severability of this Act; to provide for the uniformity of interpretation of this Act; to provide for a short title of this Act; to repeal conflicting laws; and to provide an effective date for this Act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. DEFINITIONS AND USE OF TERMS.

As used in this Act, unless the context otherwise requires:

(a) "Banking organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, or a private banker engaged in business in this state.

(b) "Business association" means any corporation other than a public corporation, joint stock company, business trust, partnership, broker, or any association for business purposes of two or more individuals.

(c) "Financial organization" means any savings and loan association, building and loan association, industrial loan organization, credit union, cooperative bank or investment company, engaged in business in this state.

(d) "Holder" means any person in possession of property subject to this act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this act.

(e) "Insurance corporation" means any association or corporation transacting within this state the business of insurance on the lives of persons or property, or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities, and also includes disability, accident and health, casualty and surety insurance companies.

(f) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this act, or his legal representative.

(g) "Person" means any individual, business association, government or political subdivision, public corporation, public authority, public official, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(h) "Utility" means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

SECTION 2. PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS.

The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in this state with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, with seven years:

(1) Increased or decreased the amount of the deposit, or

presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization. Any correspondence in writing from a banking organization to the owner, such as the mailing of a statement, report of interest paid or credited or other written advice relating to such deposit, shall be construed to mean that the owner has indicated an interest in the deposit if such correspondence in writing is not returned to the banking organization for non-delivery thereof.

(4) For purposes of subsections (a) (1), (2) and (3) hereinabove, any activity or indication of interest by an owner in any other deposits in a banking organization shall be construed to be actively and indication of interest in all other deposits of such owner in the banking organization.

(b) Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this state, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seven years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit, or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization. Any correspondence in writing from a financial organization to the owner, such as the mailing of a statement, report of interest or dividends paid or credited, or other written advice relating to such shares or other interest in such financial organization shall be construed to mean that the owner has indicated an interest in such shares if such correspondence in writing is not returned to the financial organization for non-delivery thereof.

(4) For purposes of subsections (b) (1), (2) and (3) hereinabove, any activity or indication of interest by an owner in any other shares in a financial organization shall be construed to be activity and indication of interest in all other shares of such owner in the financial organization.

(c) Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, and travelers' cheques, that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has within seven years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safe-keeping repository or agency or collateral deposit box in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than seven years from the date on which the lease or rental period expired.

SECTION 3. UNCLAIMED FUNDS HELD BY INSURANCE CORPORATIONS.

(a) Unclaimed funds, as defined in this section, held and owing by an insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds," as used in this section, means all moneys held and owing by any insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation. In the case of life insurance corporations, this shall only include any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years, (1) assigned,

readjusted, or paid premiums on the policy or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

SECTION 4. DEPOSITS AND REFUNDS HELD BY UTILITIES.

The following funds held or owning by any utility are presumed abandoned:

(a) Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in this state, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than two years after the termination of the services for which the deposit or advance payment was made. Provided that any such deposit made by a subscriber with a utility to secure payment for, or any sum payable in advance for, utility services to be furnished in this state shall not be deemed unclaimed so long as the subscriber remains a subscriber of such utility and such deposit or payment continues to secure the payment or an advance payment for utility services to be furnished in this state.

(b) Any sum which a utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than two years after the date it became payable in accordance with the final determination or order providing for the refund.

SECTION 5. UNDISTRIBUTED DIVIDENDS AND DISTRIBUTIONS OF BUSINESS ASSOCIATIONS.

Any stock or other certificate of ownership, or any dividend, profit, distribution, royalty, interest, payment on principal, or other sum held or owing by a business association, broker or person for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association, broker or person concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

(a) It is held or owing by a business association, broker or person doing business in this state, but not organized under the laws of or created in this state, and the records of the business

association, broker or person indicate that the last known address of the person entitled thereto is in this state.

SECTION 6. PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION.

Except as otherwise provided by the laws of this state, all intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in this state, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

SECTION 7. PROPERTY HELD BY FIDUCIARIES.

All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this state; or

(b) If it is held by a business association, a banking organization or a financial organization, doing business in this state, but not organized under the laws of or created in this state, and the records of the business association, a banking organization or a financial organization, indicate that the last known address of the person entitled thereto is in this state; or

(c) If it is held in this state by any other person.

SECTION 8. PROPERTY HELD BY FEDERAL COURTS AND FEDERAL OFFICERS.

Funds, tangible and intangible personal property held for the owner by any Federal court, Federal officer, authority or agency, in this state, or funds, tangible and intangible personal property held for the owner whose last known address is in this state, by any Federal court, Federal officer, authority or agency that has remained unclaimed by the owner for more than three years is presumed abandoned.

SECTION 9. MISCELLANEOUS PERSONAL PROPERTY HELD FOR ANOTHER PERSON.

All tangible and intangible personal property, not otherwise covered by this Act, including but not limited to and by way of illustration, money, stocks, bonds, certificates of membership in corporations, income, amounts due and payable under the terms of insurance policies not covered by Section 3 hereof, pension trust agreements, profit-sharing plans, security deposits, refunds, funds deposited to redeem stocks, bonds, coupons and other securities, or to make a distribution thereof, together with any income, interest or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned; provided, however, that unclaimed or unpaid wages and salaries which have remained unclaimed by the owner for more than one year after becoming payable are presumed abandoned.

SECTION 10. RECIPROCITY FOR PERSONAL PROPERTY ABANDONED OR ESCHEATED UNDER THE LAWS OF ANOTHER STATE.

If specific property which is subject to the provisions of Sections 2, 5, 6, 7, and 9 is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subject to the jurisdiction of that state, the specific property is not presumed abandoned in this state and subject to this Act if:

(a) It may be claimed as abandoned or escheated under the laws of such other state; and

(b) The laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheated by such other state when held for or owed or distributable to an owner whose last known address is within this state by a holder who is subject to the jurisdiction of this state.

SECTION 11. REPORT OF ABANDONED PROPERTY.

(a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this Act shall report to the Commissioner of Revenue with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of \$10.00 or more presumed abandoned under this Act:

(2) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last

known address according to the life insurance corporation's records;

(3) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due;

(4) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) Other information which the Commissioner of Revenue prescribes by rule as necessary for the administration of this Act.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The initial report required under this act shall be filed on or before August 1, 1971, as of May 1, 1971. Thereafter reports shall be filed before November 1 of each year as of June 30 next preceding, but the reports filed by insurance corporations shall be filed before May 1 of each year as of December 31 next preceding. The Commissioner of Revenue may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this Act knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

SECTION 12. NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY.

(a) Within 120 days from the filing of the reports required by Section 11, the Commissioner of Revenue shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed

or if the address is outside this state, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within this state.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property," and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the Commissioner of Revenue.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within 65 days from the date of the second published notice, the abandoned property will be placed not later than 85 days after such publication date in the custody of the Commissioner of Revenue to whom all further claims must thereafter be directed.

(c) The Commissioner of Revenue is not required to publish in such notice any item of less than \$50.00 unless he deems such publication to be in the public interest.

(d) Within 120 days from the receipt of the reports required by Section 11, the Commissioner of Revenue shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of \$50.00 or more presumed abandoned under this Act.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the Commissioner of Revenue, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the Commissioner of Revenue to whom all further claims must be directed.

SECTION 13. PAYMENT OR DELIVERY OF ABANDONED PROPERTY.

Every person who has filed a report as provided by Section 11 shall within 20 days after the time specified in Section 12 for claiming the property from the holder pay or deliver to the Commissioner of Revenue all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in Section 12, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the Commissioner of Revenue, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

SECTION 14. RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY.

Upon the payment or delivery of abandoned property to the Commissioner of Revenue, the state shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the Commissioner of Revenue under this Act is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. The payment or delivery of abandoned property to the Commissioner of Revenue shall operate as a full, absolute and unconditional release and discharge of the person making the payment or delivery from any and all claims or demands of or liability to any person entitled thereto, or to any other claimant or state, and such payment or delivery may be pleaded as an absolute bar to any action brought against the person making the payment or delivery by any other person entitled thereto, or by any other claimant or state. The person making such payment or delivery shall immediately and thereafter be relieved of and held harmless by the State of Alabama from any and all liabilities for any claim or claims which exist at such time with reference to such abandoned property or which may thereafter be made or may come into existence on account of or in respect to any such abandoned property. Any right to such abandoned property which any other person entitled thereto, or any claimant or state, may have against the person making such payment or delivery to the Commissioner of Revenue shall thereby become the obligation of the State of Alabama. Any holder who has paid moneys to the Commissioner of Revenue pursuant to this Act may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof

that the payee was entitled thereto, the Commissioner of Revenue shall forthwith reimburse the holder for the payment.

SECTION 15. INCOME ACCRUING AFTER PAYMENT OR DELIVERY.

When property is paid or delivered to the Commissioner of Revenue under this Act, the owner is not entitled to receive income or other increments accruing thereafter.

SECTION 16. PERIODS OF LIMITATION NOT A BAR.

The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this Act or to pay or deliver abandoned property to the Commissioner of Revenue.

SECTION 17. SALE OF ABANDONED PROPERTY.

(a) All abandoned property other than money delivered to the Commissioner of Revenue under this Act shall within one year after the delivery be sold by him to the highest bidder at public sale in whatever city in the state affords in his judgment the most favorable market for the property involved.

The Commissioner of Revenue may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

(c) The purchaser at any sale conducted by the Commissioner of Revenue pursuant to this Act shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The Commissioner of Revenue shall execute all documents necessary to complete the transfer of title.

SECTION 18. DEPOSIT OF FUND.

(a) All funds received under this Act, including the proceeds from the sale of abandoned property under Section 17, shall forthwith be deposited by the Commissioner of Revenue into the State Treasury as follows: Twenty percentum thereof into a trust fund from which the Commissioner of Revenue

shall make prompt payment of all claims duly allowed by him, or the courts, as hereinafter provided and from which he shall pay the cost and expenses of enforcement and administering this Act and from such receipts there is hereby appropriated amounts sufficient to make such payments; all of the remainder shall be deposited in the General Fund.

(b) Funds derived under this Act from all estates of deceased persons who die without leaving a will or heir, shall be used or applied to the furtherance of education in accordance with the provisions of Section 258 of the Constitution of Alabama 1901, as amended by Amendment III and shall be deposited in the Public School Fund. All other funds recovered under this Act shall be deposited in accordance with sub par (a) above.

SECTION 19. CLAIM FOR ADANDONED PROPERTY PAID OR DELIVERED.

Any person claiming an interest in any property delivered to the state under this Act may file at any time a claim thereto or to the proceeds from the sale thereof on the form prescribed by the Commissioner of Revenue.

SECTION 20. DETERMINATION OF CLAIMS.

(a) The Commissioner of Revenue shall consider any claim filed under this Act and may hold a hearing and receive evidence concerning it. If a hearing is held, he shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

(b) If the claim is allowed, the Commissioner of Revenue shall make payment forthwith. The claim shall be paid without deduction for costs of notices or sale or for service charges.

SECTION 21. JUDICIAL ACTION UPON DETERMINATION.

Any person aggrieved by a decision of the Commissioner of Revenue or as to whose claim the Commissioner of Revenue has failed to act within 90 days after the filing of the claim, may commence a suit for a Declaratory Judgment against the Commissioner of Revenue in the Circuit Court of Montgomery County, in Equity, or the Circuit Court in Equity of the county of residence of the person aggrieved, to determine or establish his rights. The proceeding shall be brought within 90 days after the decision of the Commissioner of Revenue or within 180 days from the filing of the claim if the Commissioner of Revenue fails to act. The suit shall be tried de novo without a jury.

SECTION 22. ELECTION TO TAKE PAYMENT OR DELIVERY.

The Commissioner of Revenue, after receiving reports of property deemed abandoned pursuant to this Act, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within 120 days after filing the report required under Section 11, the Commissioner of Revenue shall be deemed to have elected to receive the custody of the property.

SECTION 23. EXAMINATION OF RECORDS.

The Commissioner of Revenue may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this Act.

In order to effectuate the purposes of this Act, all departments, offices, and other divisions of state and local government or any agent or employee thereof, shall make available to the Commissioner any pertinent records pertaining to property which should have been reported pursuant to this Act. Information obtained through such examination which is not relevant to the object of such inquiry shall not be divulged.

SECTION 24. PROCEEDING TO COMPEL DELIVERY OF ABANDONED PROPERTY.

If any person refuses to deliver property to the Commissioner of Revenue as required under this Act, the Commissioner of Revenue shall bring an action in a court of appropriate jurisdiction to enforce such delivery in the name of the State of Alabama on the relation of the Commissioner of Revenue.

SECTION 25. PENALTIES.

(a) Any person who willfully fails to render any report or perform other duties required under this Act, shall be guilty of a misdemeanor and upon conviction shall be subject to a penalty of not more than \$100 a day for each day such report is withheld, such penalty may be reduced or remitted all or in part at the discretion of the Commissioner of Revenue for good cause.

(b) Any person who willfully refuses to pay or deliver abandoned property to the Commissioner of Revenue as required under this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00, or imprisonment for not more than six months or both, at the discretion of the court.

SECTION 26. ADMINISTRATION OF THE ACT.

The Commissioner of Revenue is hereby authorized to make necessary rules and regulations to carry out the provisions of this Act, and, under the provisions of the Merit System shall have the authority to appoint or employ such accountants, examiners, clerks and other employees as are necessary or expedient to carry out the duties conferred upon him, and the salaries, therefore, shall be fixed according to the provisions of the Merit System. The Commissioner of Revenue shall also, by and with the approval of the governor, have authority to employ and fix the compensation of such special counsel or attorneys as he may deem necessary and expedient to carry out the provisions of this Act, and pay the same out of the separate trust fund provided for in Section 18 hereof.

SECTION 27. EFFECT OF LAWS OF OTHER STATES.

This Act shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this Act.

SECTION 28. SEVERABILITY.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 29. UNIFORMITY OF INTERPRETATION.

This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 30. SHORT TITLE.

This Act may be cited as the Uniform Disposition of Unclaimed Property Act.

SECTION 31. REPEAL.

All laws and parts of laws in conflict herewith are expressly repealed; provided however, nothing in this Act shall repeal the provisions of Title 16, Sections 25 through 33, Title 58, Sections 30 through 38, as amended; Title 5, Sections 41 through 77; and Title 5, Sections 158 through 164, Code of Alabama 1940.

SECTION 32. TIME OF TAKING EFFECT.

This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 27, 1971.

Time: 3:41 P.M.

Act No. 64

S. 63—Noonan, Pelham, Hammond,
Littleton, Jones, Register,
O'Bannon, Pierce, Edington
and Horne

AN ACT

To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$15,000,000 principal amount of revenue bonds for the purpose of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment, to authorize the Department to make temporary loans by the sale and issuance of its bond anticipation notes and to pay such notes and the interest thereon out of proceeds from the sale of the bonds herein authorized; to provide for the details of the bonds and notes issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of revenues of the said Department derived from the facilities constructed with proceeds of the said notes and bonds, except that the notes shall also be payable out of the proceeds from the sale of the bonds; to provide for and authorize the pledge of the gross revenues of the said facilities for payment of the said principal and interest and that such pledge will constitute the first charge on the revenues so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing, the said bonds; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment or proceeds of the bonds and the notes not presently needed for the purposes for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this Act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Bonds" means those at any time issued pursuant to the authorization herein contained.

"Department" means the Alabama State Docks Department established by Act No. 103 adopted at the 1955 Regular Session of the Legislature of Alabama, and any department or agency of the state that may succeed to the functions of said Alabama State Docks Department.

"Director" means the Director of the Department or any official who may succeed to his duties.

"Governor" means the Governor of the state.

"Notes" means notes issued hereunder.

"Order" means an order made by the Director and approved by the Governor.

"Seaport facility" means any improvements, including any real or personal property, structure, or equipment useful for any one or more of the loading, unloading, storage or other handling of coal, coke or any other materials or products of any kind, and that are useful in promoting, developing and operating seaports within the state.

"Secretary-Treasurer" means the secretary-treasurer of the Department, or any person who may succeed to or perform the duties of the said secretary-treasurer.

"State" means the State of Alabama.

"United States securities" means securities that are direct obligations of the United States of America.

Where used in this Act, words in the present tense shall be construed to include the future tense, the singular shall be construed to include the plural, the plural shall be construed to include the single, and nouns and pronouns shall be construed to include all genders.

Section 2. Declaration of Legislative Intent. The object of this Act is to enable the Department to procure funds for the construction, improvement and equipment of additional seaport facilities in the continued development of the state docks at the Port of Mobile so that the Department will be able to render greater service to shippers and others engaged in international trade. This Act shall be liberally construed in order to effectuate its object.

Section 3. Power to Issue Bonds. The Department, with the approval of the Governor, may from time to time and at any time sell and issue its revenue bonds, not exceeding \$15,000,000 in aggregate principal amount, for the following purposes: (a) to provide funds for the construction, improvement and equipment of additional seaport facilities at the Port

of Mobile together with the expenses incident to the authorization, sale and issuance of the bonds; and (b) to repay or fund the principal of and interest on notes that may have theretofore been issued by the Department under the provisions of Section 4 hereof in anticipation of the issuance of the bonds herein authorized. The costs of constructing and improving such facilities shall be deemed to include in interest that will either accrue or become payable on the bonds and the notes hereinafter authorized, or either, during the period required for the construction, improvement and equipment of such facilities, plus not exceeding six months after the completion thereof.

Section 4. Temporary Notes. The Department, with the approval of the Governor, may from time to time issue its interest-bearing bond anticipation notes, not exceeding \$5,000,000 in aggregate principal amount, in anticipation of the issuance of bonds under the provisions of this Act. The notes shall mature not later than twelve months from the date of their issuance, and shall be executed in the same manner that bonds are hereinafter in Section 6 authorized to be executed. Such notes shall be sold at public sale as the Department may direct, and shall be repayable solely from (a) proceeds of the first bonds thereafter issued hereunder in anticipation of the issuance of which such notes were authorized to be issued, and (b) the revenues that the Department is herein authorized to pledge for payment of its bonds.

Section 5. Details Respecting the Bonds. The bonds may be issued in one or more series, shall be in such forms and denominations and of such tenor, shall mature in annual installments the first of which shall mature not later than one (1) year after the estimated date for the completion of the seaport facility financed thereby and the last of which shall mature not later than twenty (20) years from their respective dates, shall bear such rate or rates of interest payable and evidenced in such manner, all as may be provided in the order or orders of the Director in which any of the bonds are authorized to be issued; provided, that no such order shall be valid without the written approval of the Governor. The said order or orders may provide for any or all of the following: the use and disposition of the revenues of the Department derived from the seaport facilities constructed with the proceeds of the bonds and the notes funded thereby; the setting aside of reserves for the bonds; the disposition and administration of any such revenues and reserves; limitations on the purpose or purposes to which the proceeds of sale of any of the bonds may be applied; the procedure, if any, by which the terms of any contract with the holders of any such bonds may be amended or abrogated; the amount of bonds the holders of which must consent to such amendment or abrogation; the manner in which such consent may be given; and any other

provisions not inconsistent with this Act. The Department shall have the power to prescribe, in the order under which the first series of the bonds are issued, the terms and conditions under which the bonds may thereafter be issued for the purposes described in Section 3 of this Act. The Department may at its election retain in the order or orders under which any of the bonds are issued an option to redeem all or any thereof at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in such order or orders and as may be briefly recited in the face of the bonds with respect to which such option of redemption is retained. Any of the bonds having stated maturities more than ten years after the date thereof shall be made subject to redemption at the option of the Department not later than the end of the tenth year after the date thereof and on any interest payment date thereafter, under such terms and conditions as may be provided in the order or orders authorizing the issuance of such bonds. The redemption price or prices of bonds shall not exceed the face amount thereof plus a premium which shall not exceed twelve (12) months' interest thereon.

Section 6. Execution of the Bonds. The bonds shall be issued in the name of the Department and shall be signed by the Director, and the seal of the Department shall be impressed thereon and attested by the Secretary-Treasurer, and all interest coupons applicable to the bonds shall be signed by the Director; provided, that the signature of one, but not of both, of the said officers may be printed or otherwise reproduced in facsimile or any of the bonds in lieu of their being manually signed, the signature of the Director may be printed or otherwise reproduced in facsimile on the interest coupons in lieu of their being manually signed, and the seal of the Department may be printed or otherwise reproduced in facsimile on the bonds in lieu of being manually impressed thereon, all as may be provided in the order under which the bonds are issued.

Section 7. Sale of the Bonds. Any of the bonds may be sold at any time and from time to time as the Director may deem advantageous. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Department for the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account the premium, if any, in excess of their face value bid by the purchaser; provided, that if no bid acceptable to the Department is received it may reject all bids. Notice of each such sale shall be given by publication one time in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication one time in a newspaper that is then customarily published in the state not less than five days during

each calendar week. Each such publication shall be made not less than ten days prior to the date fixed for the sale. The terms and conditions under which each such sale may be held shall be fixed in an order made by the Director; provided, that none of the bonds may be sold for a price less than the face value thereof plus accrued interest thereon to the date of their delivery; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Approval by the Governor of the terms and conditions under which any of the bonds may be issued shall be requisite to their validity. Such approval shall be signed by the Governor and shall be entered on the order in which the bonds proposed to be issued are authorized. Such approval by the Governor may be shown on any series of the bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization of such action is contained in the said approval signed by him. Neither a public hearing nor consent by the Department of Finance of the state or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 8. Bonds and Notes to be Limited Obligations; Pledge of Gross Revenues Therefor. The bonds and notes shall never be or constitute a debt of the state within the meaning of any constitutional provisions, and neither the faith nor the credit of the state shall ever be pledged or utilized therefor. Both the principal of and the interest on the bonds and the notes shall be payable solely out of the limited sources as herein provided. Any order authorizing the issuance of bonds or notes may pledge for payment of the principal thereof and interest thereon the gross revenues of the seaport facilities out of which they are made payable and when so made such pledge will constitute the first charge on such gross revenues.

Section 9. Notice of Order Authorizing Issuance of Bonds. Upon the entry of any order providing for the issuance of bonds, the Department may, in the discretion of the Director, cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in the state not less than five days in each calendar week, a notice in substantially the following form (the blanks being properly filled in), to be signed with the printed signature of the Director: "Alabama State Docks Department, an agency of the State of Alabama, on the ____ day of _____, 19____, made an order providing for the issuance of \$_____ principal amount of bonds of the Department for the following purpose or purposes: (Here shall be inserted a brief and general description of the purpose of the issue). The said bonds are payable solely from limited sources as described in the said order. Any action or proceeding questioning the validity of the said order or of the said bonds, or the pledge of any instruments securing the said bonds, must be

commenced within twenty days after the first publication of this notice. _____, Director of Alabama State Docks Department." Any action or proceeding in any court to set aside or question the order for the issuance of the bonds referred to in the said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said order, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said order, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within the said twenty day period.

Section 10. The Bonds and Notes Shall be Deemed Negotiable. May be Used to Secure Deposits and for Investment of Fiduciary Funds, and With the Income Therefrom Shall be Exempt from Taxation. The bonds and the notes and the income therefrom shall be exempt from all taxation in the state. The bonds and the notes, when unregistered, shall be construed to be negotiable instruments although payable solely from a specified source as herein provided. Any of the bonds and notes may be used by the holder thereof as security for the deposit of any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law, invest any fiduciary funds in any of the bonds and notes.

Section 11. Authorization to Invest Bonds and Note Proceeds in United States Securities. The Department may, in the discretion of the Director, invest all or any part of the proceeds derived from the bonds and the notes that will not be presently needed for the purposes for which such bonds and notes were issued. Each such investment may be made only in either (a) United States securities having maturity dates on or prior to the dates on which it is anticipated such proceeds will be needed for the purposes for which the bonds and notes were issued. or (b) certificates of deposit issued by a national bank that will be secured by a collateral pledge of United States securities having aggregate face value not less than the amount of the proceeds so invested plus the interest that will become payable on such certificates of deposit at the maturities thereof.

Section 12. Severability Clause. In the event any portion of this Act should be declared invalid by any court of competent

jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 13. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved April 29, 1971.

Time: 4:50 P.M.

Act No. 65

S.J.R. 28—Owen, Givhan, Foshee

SENATE JOINT RESOLUTION

WHEREAS complaints have been made that recommended reading lists have been given to elementary and Junior High School and High School students which contain material which might be classified as pornographic under the existing pornographic literature standards recognized in this State; and

WHEREAS there have been complaints that lists and other information relative to purchase of books and other reading materials which might be classified as pornographic are being made available to elementary and Junior High School and High School students by teachers employed in the State educational system; and

WHEREAS this legislature wishes to do all in its power to conserve the morals of our fine young people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Superintendent of Education is requested to conduct a thorough investigation into any complaints directed to his office by the members of this legislature or any other citizen of Alabama involving recommended reading lists or other lists or information relative to books or other reading material or supplemental materials which might be classified as pornographic material under the existing pornographic literature standards recognized in this State and that after the completion of said investigation, he report to this legislature on the findings on or before the 15th legislative day of the regular session of 1971.

Approved May 5, 1971.

Time: 10:05 A.M.

Act No. 66

H.J.R. 48—Cherner, Lyons, Hearn

HOUSE JOINT RESOLUTION

WHEREAS Mr. J. Edgar Hoover has recently come under unwarranted attack; and

WHEREAS Mr. Hoover symbolizes blunt honesty and old virtues in an age of changing values and easy morals; and

WHEREAS Mr. Hoover has given the nation superior service while making the F.B.I. a model of honest and efficient law enforcement; and

WHEREAS he has been the foremost example of good over evil for America's youth and grownups; and

WHEREAS on one thing his admirers and critics can agree: The F.B.I., with its thousands of agents, millions of fingerprints and volumes of information is graven in the image of a single man, John Edgar Hoover; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body goes on record as supporting this fine American and does pass this resolution as a vote of confidence in Mr. John Edgar Hoover.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Mr. Hoover, and that copies be sent to the members of the Alabama Congressional Delegation in order that they might place it in the Congressional Record and circularize it among fellow congressmen.

Approved May 5, 1971.

Time: 10:06 A.M.

Act No. 67

H.J.R. 50—Harris, Jones (F), Adams, Agee, Bank, Barkett, Bassett, Boles, Boutwell, Brassell, Burgess, Callahan, Carnes, Casey, Cauthen, Cherner, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Downing, Easters, Edwards, Erdreich, Fite, Goodwin, Grainger, Gray, Grey, Hale, Hardin, Hobbie, King, Lang, Lutz, McCluskey, McDonald, Mims, Naramore, Owens,

Parker (H), Parker (T), Reed,
Reid, Reynolds, Roberts,
Robertson, St. John, Smith (K),
Smith (P), Snell, Stewart, Stokes,
Straiton, Taylor, Timmons,
Turner, Waldrop, Wallace, Wise,
Wood, Wynot

HOUSE JOINT RESOLUTION

WHEREAS Veterans Preference, as written into Alabama Law, has been under attack; and

WHEREAS many Alabama veterans have expressed concern about their rights as they exist under Alabama Law; and

WHEREAS recent public statements by some State officials have contributed to Alabama veterans' concern and confusion; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature of Alabama does hereby reaffirm its support of Alabama veterans as expressed in the laws pertaining to Veterans Preference.

BE IT FURTHER RESOLVED, That the Legislature instructs all State officials and particularly the State Personnel Director to carry out the spirit of the intent of the Veterans Preference Act.

Approved May 5, 1971.

Time: 10:07 A.M.

Act No. 68

H.J.R. 57—Weeks, Bowers, Manley

HOUSE JOINT RESOLUTION

WHEREAS The American's Creed, drafted by William Tyler Page in 1917, condenses into one hundred words the concepts which have made America great, and for which America stands, which reads as follows:

"I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign Nation of many sovereign States; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag, and to defend it against all enemies."

WHEREAS it is fitting that the attention of all Americans be focused on the American Creed, and that all Americans be urged to study it; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the President and the Congress of the United States of America to declare an American Creed Week, during which all citizens may be encouraged to examine, study and abide by the tenets of the American Creed.

BE IT FURTHER RESOLVED that copies of this resolution be sent to President Richard M. Nixon, to Vice President Agnew, to the Speaker of the House, Representative Carl Albert and to each member of Alabama's delegation in the Congress of the United States.

Approved May 5, 1971.

Time: 10:08 A.M.

Act No. 69

H.J.R. 60—Easters

HOUSE JOINT RESOLUTION

WHEREAS, Captain Ben Ringsdorf, a citizen of Coffee County, has been a prisoner of war in North Vietnam for an extended period of time; and

WHEREAS, his parents Dr. and Mrs. W. M. Ringsdorf of Elba, Alabama have suffered and continue to suffer untold pain because of the many uncertainties concerning the welfare and safety of their son; and

WHEREAS, the many friends of this distinguished family share in their grief; and

WHEREAS, the people of Alabama take great pride in the valor, and share in the pain caused by the sacrifices made by our outstanding sons; and

WHEREAS, the Legislature of Alabama grieves with this family and hopes that their son will soon be returned to them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they

express their sincere sorrow for the hardships endured by this family and wish their son a speedy return.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Clerk of the House to Captain Ringsdorf's parents and to all news media in Coffee County.

Approved May 5, 1971.

Time: 10:09 A.M.

Act No. 70 H.J.R. 63—Downing, Turnham, & entire House
HOUSE JOINT RESOLUTION

WHEREAS Mrs. Jacob M. (Lessie) Kreis, who has served this House for 28 years, 27 of which were as chief clerk, will on April 30 retire that post; and

WHEREAS hundreds of legislators, through seven terms of this House, have come under her watchful eye, have benefitted from her wide knowledge, and have been comforted by her love and understanding; and

WHEREAS, except for that love and understanding the rigors of lawmaking would be more than mortal legislators could bear and;

WHEREAS her charm, her wit, her gracious manner and the affection she felt for all of us will be sorely missed;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do hereby resolve to use this resolution as a means of expressing their love and profound respect for a very great and charming lady and their gratitude for her long, devoted and dedicated service both to this Legislature, to the ones she has served before us and to the people of Alabama.

BE IT FURTHER RESOLVED, That this legislature does hereby express for Mrs. Kreis, its very best and most sincere wishes for a long, full, rewarding and happy retirement.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives present her with a copy of this Resolution.

Approved May 5, 1971.

Time: 10:10 A.M.

Act No. 71 H.J.R. 66—Turnham, Brassell, Adams
HOUSE JOINT RESOLUTION

WHEREAS Dr. Fred R. Robertson, vice president for Extension, Auburn University, relinquished his duties as Director of the Cooperative Extension Service, March 1 to devote full time to the administration of the University's General Extension Programs, including Cooperative-Extension; and

WHEREAS since his appointment as vice president for Extension in 1966, Dr. Robertson has given outstanding leadership to the development of strong extension programs involving all of our academic areas and to the establishment of a conference office; and

WHEREAS Dr. Robertson was named 1970 Man of the Year in Agriculture, by the Progressive Farmer Magazine; and

WHEREAS Dr. Robertson was cited for his strong support of Extension's work with new commodities, such as soybeans and commercial catfish, while at the same time continuing to strongly support "old line" crops and livestock that have long been the backbone of the state's agriculture; and

WHEREAS Dr. Robertson led in the creation of an Environmental Health Division in Extension. The first of the kind in the United States, and this division carries on educational programs directed toward pesticide education, water, air, food and other types of pollution and general health problems; and

WHEREAS Dr. Harry Philpott, president of Auburn University has praised Dr. Robertson for his outstanding job as vice president for Extension and recently said, "Auburn's involvement in programs beyond the campus must continually go forward in meeting our commitments to the state and its people, and it can best do this under the full time administration of Dr. Robertson."; and

WHEREAS Dr. Robertson holds membership in Gamma Sigma Delta, Alpha Gamma Rho, Omicron Delta Kappa, and Epsilon Sigma Phi, honorary fraternities, he is a navy veteran of World War II, and is presently serving on the National 4-H Club Foundation Corporation; advisory committee of Southern Farm Forum; Alabama Forestry Council; Governor's Industry Advisory Committee, Governor's Resource Management Committee; Governor's Health Resources Task Group; State Economic Opportunity Act Advisory Committee; Board of Governors of the Agricultural Hall of Fame and National Center; chairman of Board of Directors of Alabama Community and Technical Services Agency, Inc., now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we assure Dr. Robertson that we are deeply appreciative of his fine services and are particularly grateful for his long and un-

tiring dedication to Auburn and the State of Alabama, and we commend him upon the elevation to his new position.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Clerk of the House to Dr. Robertson.

Approved May 5, 1971.

Time: 10:11 A.M.

Act No. 72

H.J.R. 68—Mims

HOUSE JOINT RESOLUTION

WHEREAS, Bill Grant, one of Southwest Alabama's outstanding high school athletes, suffered a tragic and untimely death at 4:55 P.M. on Wednesday, April 21, at a track meet in Selma; and

WHEREAS, Bill's death has shocked and saddened many people in that part of the state who have followed his athletic career with interest, expecting great things of this fine young man who played end on Monroe Academy's championship team of 1970, who was offered grants-in-aid by several universities; and who finally decided to stay here and play for Auburn; and

WHEREAS, his versatility and outstanding skill in many sports, and his competitive spirit have earned him the admiration of many sports enthusiasts throughout Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply mourns the loss of Bill Grant, who showed such promise in the field of athletics and who was sure to have reflected glory and credit on his home state by future achievements.

BE IT FURTHER RESOLVED that we extend to Mr. and Mrs. Charles Grant, his parents, and to his brothers, Charlie and John our deepest sympathy.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. and Mrs. Charles Grant.

Approved May 5, 1971.

Time: 10:12 A.M.

Act No. 73 H.J.R. 76—Burgess and entire House Membership

HOUSE JOINT RESOLUTION

WHEREAS our distinguished colleague, Rep. H. L. Callahan of Mobile, was presented with a fine baby boy by his wife Friday night; and

WHEREAS we share our colleague's joy at this fine new addition to his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Rep. and Mrs. Callahan are hereby congratulated on the birth of their new son.

Approved May 7, 1971.

Time: 1:00 P.M.

Act No. 74

H.J.R. 77—Hale

HOUSE JOINT RESOLUTION

WHEREAS, Dr. Theodore C. Marrs of Montgomery, Alabama, an Alabamian by choice, has distinguished himself and the State of Alabama by having excelled to prominence in three separate careers, as a physician, civil servant and military officer; and

WHEREAS, as a physician he is known throughout our nation for his knowledge of industrial and aerospace medicine; and he has pioneered schools for the handicapped in some 30 cities; and

WHEREAS he has been on the Governor's committee for the handicapped under five Alabama Governors and on the President's committee for the handicapped under three presidents; and

WHEREAS, as a military officer he has attained the grade of Brigadier General in the Air Force Reserve; and

WHEREAS, by virtue of his strong support of the enlisted man he was made in 1970, the only Super Master Sergeant in the Air Force; and

WHEREAS in 1964 he was appointed as Deputy to the Secretary of the Air Force and assumed responsibility for the Air Force Reserve, the Air National Guard, the Air Force ROTC and the Civil Air Patrol; and

WHEREAS, in 1970 he was sworn in by the President of the United States as the Deputy Assistant Secretary of Defense

in charge of Reserve affairs for all branches of the Defense Establishment; and

WHEREAS Dr. Marrs returns to Alabama frequently to address conventions of the Alabama Reserve Officers Association and the Air Force Association and has otherwise supported and brought honor to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby recognize the long and distinctive service of this dedicated Alabamian and that we do hereby commend him for the prominence he has attained and for the honor he has brought upon this state,

BE IT FURTHER RESOLVED That a copy of this resolution be forwarded to Dr. Marrs at his office in the Pentagon.

Approved May 7, 1971.

Time: 1:02 P.M.

Act No. 75 H.J.R. 79—Timmons, Adwell, Falkenburg, Dill,
Ellis, Jones (E), Boles, McBride,
Meeks, Waggoner, Cherner, Gloor,
Weeks, Doss, Erdreich, Boutwell,
Wallace, Parker (H)

HOUSE JOINT RESOLUTION

RESOLUTION CONGRATULATING MEL BAILEY, SHERIFF OF JEFFERSON COUNTY.

WHEREAS Jefferson County Sheriff Mel Bailey was recently named Alabama Law Enforcement Officer of the Year by the state Veterans of Foreign Wars; and

WHEREAS his nomination and subsequent election to this great honor was due his work in upgrading his department, his work with Alabama Sheriff's Boys Ranch, his dedication to his job, the fact that he is a fine Christian gentleman, and because he has brought complete honesty to law enforcement; and

WHEREAS as a result of this fine honor Sheriff Bailey has now been nominated for the nationwide J. Edgar Hoover Gold Medal Award; and

WHEREAS the Legislature of Alabama wishes to honor him for his being chosen for this honor; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does most heartily congratulate and honor The Honorable Mel Bailey as the Alabama winner of the Veterans of Foreign Wars Law Enforcement Officer of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Sheriff Mel Bailey and the State V.F.W. Commander.

Approved May 7, 1971.

Time: 1:03 P.M.

Act No. 76 H.J.R. 81—Falkenburg, Dill, Timmons, Ellis,
Adwell, Parker (H), Gloor,
Erdreich, Dos3, Weeks, Boutwell,
Jones (Earl), Boles, Meeks,
McBride, Cherner, Waggoner,
Wallace

HOUSE JOINT RESOLUTION

RESOLUTION CONGRATULATING R. A. PIZITZ UPON BEING NAMED 1970 MAN OF THE YEAR;

WHEREAS Richard Alan Pizitz, 1970 President of the Birmingham Area Chamber of Commerce was named Birmingham's 1970 Man of the Year; and

WHEREAS the department store executive was presented a plaque and the Young Men's Business Club's Man of the Year Scholarship at the University of Alabama in Birmingham will bear his name during the coming year; and

WHEREAS during his year as Chamber President the organization experienced its largest growth in history and took a very active role in all civic projects including industrial development, pollution control, and excellence in education; and

WHEREAS during his year the Chamber endorsed implementation of corrective measures to improve the overall implementation of corrective measures to improve the overall environmental quality and general well being of every citizen in Jefferson County; and

WHEREAS Mr. Pizitz was instrumental in Birmingham being selected as one of the Nation's All American Cities in 1970; and

WHEREAS he was also 1970 Chairman of the World Peace Day, is co-chairman representing Birmingham on the model cities program, and serves on the Birmingham Centennial Corporation Board of Directors; and

WHEREAS Mr. Pizitz holds many other honors and membership in several civic and honorary societies; and

WHEREAS The legislature of Alabama wishes to honor him for his long and untiring dedication to helping humanity and his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does most heartily congratulate and honor Richard Alan Pizitz as Birmingham's 1970 Man of the Year.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent by the Clerk of the House to Mr. Pizitz.

Approved May 7, 1971.

Time: 1:04 P.M.

Act No. 77 H.J.R. 82—Lutz, Hale, King, Grainger, Hearn
HOUSE JOINT RESOLUTION

RESOLUTION COMMENDING EMPLOYEES OF THE HUNTSVILLE POST OFFICE SYSTEM ON WINNING THE NATIONAL SAFETY COUNCIL INDUSTRIAL SAFETY AWARD.

WHEREAS the postmaster of the postal system in Huntsville, Alabama, Mr. Grady Cope, was presented the National Safety Council Industrial Safety Award on behalf of the Huntsville postal employees; and

WHEREAS the Huntsville post office won this award in competition with fifty-four other post offices having a comparable number of employees; and

WHEREAS this award recognized that the Huntsville post office employees had amassed more than 600,000 man hours last year without a single disabling accident; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature does commend and compliment the Huntsville post office employees on winning this award.

BE IT FURTHER RESOLVED that the Clerk of the House sent a copy of this resolution to the main post office and a copy to each of the four branch post offices in the City of Huntsville, Alabama.

Approved May 7, 1971.

Time: 1:05 P.M.

Act No. 78 H.J.R. 83—Jones (F), Taylor, Harris, Straiton

HOUSE JOINT RESOLUTION

RESOLUTION OF SYMPATHY ON THE DEATH OF GEORGE COMER BRASSELL WHEREAS George Comer Brassell, age 59 of Montgomery, Alabama, passed away in April of this year; and

WHEREAS Mr. Brassell came from one of the prominent legal families of this State, both his father and grandfather, having been outstanding attorneys and both his Uncle, J. W. Brassell, and his first cousin, Bowen Brassell, having been attorneys and members of this legislative body; and

WHEREAS George Comer Brassell did graduate from the law school of the University of Alabama in 1950 and did serve as a prominent and outstanding attorney for the City of Montgomery for 20 years and was formerly an assistant attorney general; and

WHEREAS the legislature mourns the passing of this distinguished gentleman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do pass this resolution as a declaration of their sympathy at the passing of this distinguished citizen.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to his bereaved family.

Approved May 7, 1971.

Time: 1:06 P.M.

Act No. 79

S.J.R. 30—Cooper

SENATE JOINT RESOLUTION

WHEREAS, Bill Grant, one of Southwest Alabama's outstanding high school athletes, suffered a tragic and untimely

death at 4:55 P.M. on Wednesday, April 21, at a track meet in Selma; and

WHEREAS, Bill's death has shocked and saddened many people in that part of the state who have followed his athletic career with interest, expecting great things of this fine young man who played end on Monroe Academy's championship team of 1970, who was offered grants-in-aid by several universities; and who finally decided to stay here and play for Auburn; and

WHEREAS, his versatility and outstanding skill in many sports, and his competitive spirit have earned him the admiration of many sports enthusiasts throughout Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply mourns the loss of Bill Grant, who showed such promise in the field of athletics and who was sure to have reflected glory and credit on his home state by future achievements.

BE IT FURTHER RESOLVED that we extend to Mr. and Mrs. Charles Grant, his parents, and to his brothers, Charlie and John our deepest sympathy.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. and Mrs. Charles Grant.

Approved May 7, 1971.

Time: 1:08 P.M.

Act No. 80

S.J.R. 31—Givhan

SENATE JOINT RESOLUTION

WHEREAS Edward T. McBride of Selma, Alabama, passed away on the 8th day of November, 1970, after a sudden illness; and

WHEREAS Edward T. McBride was one of the most prominent business and civic leaders of Selma and Dallas County, Alabama, having moved to Selma with his parents in 1907 from Decatur, Alabama; and

WHEREAS Mr. McBride spent his entire life in Selma except for the time he spent attending school and serving in the U. S. Navy during World War I when he served as a pharmacist's mate aboard the Navy hospital ship Solace; and

WHEREAS Mr. McBride had many and varied business interests he always centered his attention on his activities as a druggist and was recognized in 1967 by the Alabama Pharmaceutical Association which presented him with a Fifty Year Plaque for his service to his fellow man; and

WHEREAS among the businesses founded in Dallas County by Mr. McBride were Cloverleaf Dairies, Inc., McBride and Oxford Manufacturing Company, Edwards Jewelry Company and the City Bakery; and

WHEREAS Mr. McBride was for many years a deacon in the First Presbyterian Church, a charter member of the Dallas County Citizens Council, a director of Morgan Academy and held membership in the Chamber of Commerce and the American Legion; and

WHEREAS Mr. McBride is greatly mourned by the citizens of Selma, Dallas County, and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does express its sorrow at the passing of this distinguished citizen of our State.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to his widow and family.

Approved May 7, 1971.

Time: 1:09 P.M.

Act No. 81	S.J.R. 32—Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Noonan, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder, Wilson
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SENATE JOINT RESOLUTION

WHEREAS Mrs. Charles A. Joyce, the mother of Associated Press and long time capitol complex news correspondent Rex Thomas died April 28, after a brief illness; and

WHEREAS Mrs. Joyce, in addition to her son Rex Thomas, is survived by her husband and two other sons, William R. Thomas of Decatur, Alabama, a State Department of Revenue Examiner and Lon Thomas, the Administrator of the Enterprise Hospital; and

WHEREAS the Legislature does wish to express their sorrow at the passing of Mrs. Joyce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do pass this resolution as a declaration of their sincere sorrow at the passing of Mrs. Charles A. Joyce on April 28, 1971.

The Secretary of the Senate is hereby instructed to send a copy of this resolution to the bereaved family.

Approved May 7, 1971.

Time: 1:10 P.M.

Act No. 82

S.J.R. 36—Noonan

SENATE JOINT RESOLUTION

WHEREAS, the comprehensive development of the Alabama-Coosa River and tributaries for navigation, power production and other purposes was authorized by Congress in the Rivers and Harbor Act adopted March 2, 1945, (Public Law 14, 79th Congress, first session); and

WHEREAS, the development for navigation of the Alabama River section is virtually completed, and the last lock is scheduled to be placed in operation by September, 1971, thereby providing navigation a distance of approximately 345 river miles from the Port of Mobile to Montgomery; and

WHEREAS, Public Law 436, 83rd Congress, approved June 28, 1954, suspended the original authorization for developing the Coosa River section for electric power, and the Coosa River has been partially developed by private power interests under a license which required provisions for future installation of navigation locks through six power dams, to be constructed by the federal government; and

WHEREAS, in response to an item in the 1956 Public Works Appropriations Act, an interim report was submitted to Congress in 1960, and printed as House Document No. 320, presenting plans for the Coosa River Navigation Project from Montgomery to Rome, Georgia; comments by the Bureau of

the Budget on the above report and statement of the Secretary of the Army in his letter of transmittal to Congress required an additional economic feasibility study prior to construction; and

WHEREAS, in 1966, under provisions of the "Appalachian Regional Development Act of 1965", a traffic survey of the Coosa and an economic impact study of its 34-county tributary basin were conducted under the direction of the Appalachian Studies Office for Water Resources Development in Appalachia and the Army Corps of Engineers: completed in 1969, the final report establishes the economic feasibility for developing the Coosa River for navigation and the economic development of the basin areas; the Director of the Studies Office recommended that the Coosa River project be reclassified as an active project; and

WHEREAS, The Appalachian Report for Water Resource Development was distributed to Federal and State agencies and others concerned for review and comments; the Secretary of the Army is required to initiate action on the final report: on April 9, 1970, the Secretary released copies of his proposed report for "Development of Water Resources in Appalachia", wherein he recommends for early action the reclassifying of the Coosa River Project to an active status on the basis of the economic reevaluation contained in the Appalachian Report; and

WHEREAS, The Appalachian Regional Report was completed in 1969, and transmitted to the Secretary of the Army: more than a year has elapsed since he issued his proposed report recommending the authorized Coosa River Project be reclassified to an active status: it is apparent that the Secretary of the Army has not taken final action on his report; and

WHEREAS, a large portion of the Coosa River basin is an economically distressed region, the development of the river will add greatly to the economic growth of the area; and

NOW, THEREFORE, BE IT RESOLVED that the Legislature of Alabama go on record as being:

(1) Vitally interested in the development of the Coosa River for navigation and its tributary basin for economic development;

(2) Concerned over the lapse of time which has occurred since the favorable report on Development of the Water Resources in Appalachia was completed, in 1969, and submitted to the Secretary of the Army;

(3) Urging that with all reasonable speed the final report of the Secretary be forwarded to the Appalachian Regional

Commission for review and by that Commission to the President for approval and by the President to the Congress in order that this project so vital to the people of the State of Alabama and of the Appalachia Region may be commenced without further delay.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Honorable Stanley R. Resor, Secretary of the Army, Washington, D. C. 20310 and to Honorable Ralph R. Widner, Executive Director, Appalachian Regional Commission, 1666 Connecticut Avenue, Washington, D. C. 20009, and to the President of the United States, Washington, D. C.

Approved May 7, 1971.

Time: 1:11 P.M.

Act No. 83

S.J.R. 37—Weaver

SENATE JOINT RESOLUTION

WHEREAS the State of Alabama suffered a severe loss in the passing of Dr. Allen Cleveland Jacobs of Talladega on April 25, 1971; and

WHEREAS Dr. Jacobs had for the past twenty-one years been president of the Presbyterian Children's Home in Talladega until his recent resignation to assume the presidency of Thornhill Orphanage in Clinton, South Carolina, in which area he had spent his childhood; and

WHEREAS Dr. Jacobs was graduated from Presbyterian College in Clinton South Carolina in 1942, and afterward served his country in World War II with the rank of Captain; and subsequently entered Columbia Theological Seminary in Decatur, Georgia in 1946, from which institution he earned his Doctor of Divinity Degree in 1949; and

WHEREAS Dr. Jacobs served as pastor of James Island Presbyterian Church in South Carolina for two years prior to becoming president in 1950 of the Children's Home in Talladega where he rendered outstanding service both as a true friend of children, an efficient administrator and a benefactor to mankind; and

WHEREAS Dr. Jacobs was a man of uncommon ability who gave generously of his time, talents and resources in order to make this world a better place in which to live; he was active in civic affairs as well as in the church and was president of the Talladega Chamber of Commerce, was president of the Chocco-

locco Council of Boy Scouts of America and was active chairman of the Museum Board; and

WHEREAS Dr. Jacobs was the author of several publications, including "Water From An Old Well", "Presbyterian Home From 1864 to 1964", "Historical Collections" and "Nails Upon Which To Hang Life"; and

WHEREAS Dr. Jacobs is survived by his widow, Mrs. Agnes Hope Jacobs; four sons, Allen C. Jacobs and Mitchell Jacobs, both of Talladega, William Parks Jacobs of United States Naval Center, San Juan, Puerto Rico and Leslie Charles Jacobs, serving with the United States Air Force, Big Springs, Texas; two daughters, Mrs. Jeanne Hope Anderson of Winter Port, Maine and Miss Lucy Jacobs of Talladega, and his mother, Mrs. W. C. Hudson of Cheraw, South Carolina; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the untimely death of Dr. Allen Cleveland Jacobs and extend our heartfelt sympathy to the surviving members of his family, to whom copies of this resolution shall be sent.

Approved May 7, 1971.

Time: 1:12 P.M.

Act No. 84

H. 144—Narramore, Crowe

AN ACT

Relating to all counties having populations of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census; providing an expense allowance for the circuit clerk of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census, the circuit clerk shall be entitled to an expense allowance of \$2,400 per annum. Such allowance, which shall be in addition to all other salary, compensation, expense allowances and other allowances of the circuit clerk, shall be paid in equal monthly installments from the general fund of any county to which this Act applies.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1971.

Time: 1:14 P.M.

Act No. 85

H.J.R. 85—Smith (P), McCluskey

HOUSE JOINT RESOLUTION

PRAISING MRS. MARY KING SNELL, WHO IS RETIRING AS PRINCIPAL OF THE TALLADEGA DEAF AND BLIND SCHOOL.

WHEREAS Mrs. Mary King Snell, principal of the Deaf-Blind Department of the Alabama Institute For Deaf and Blind, is retiring after 38 years of faithful service; and

WHEREAS Mrs. Snell is an outstanding and greatly admired lady who has dedicated her life to making life more pleasant for some of our less fortunate citizens; and

WHEREAS Mrs. Snell holds many honors, including former president of the Alabama Education Association, former president of the Delta Kappa Gamma interstate club, and she holds membership in a number of civic and professional organizations; and

WHEREAS in 1955 Mrs. Snell founded the Helen Keller Department at Talladega for the purpose of helping deaf and blind children; and

WHEREAS Mrs. Snell received her undergraduate degree from Birmingham Southern, and her professional education from North Carolina School for the Deaf; and

WHEREAS the Legislature of Alabama wishes to thank Mrs. Snell for her long and dedicated service to the Alabama Institute for the Deaf and Blind and the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we assure Mrs. Snell that we are deeply appreciative of her fine services and wish her a long and pleasant retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Mrs. Mary King Snell.

Approved May 7, 1971.

Time: 1:15 P.M.

Act No. 86 H.J.R. 59—Turner, Williams, Carter, McCluskey,
Turnham, Therrell, Smith (P),
Connell, Crawford, Burgess,
Cottingham, Waldrop, Wynot, Harris,
Manley, Easters, Owens, Jones (F),
Cauthen, Adams, O'Daniel, Smith(K),
Edwards, St. John

HOUSE JOINT RESOLUTION

WHEREAS Robert E. Lee was the son of families long prominent in the history of this Nation and in its early development down through succeeding generations; and

WHEREAS Robert E. Lee, being a brilliant young graduate of the United States Military Academy, served his country with honor, loyalty and devotion; and

WHEREAS when destiny divided this great Nation in the War Between the States, Robert E. Lee remained loyal to his home state, the sovereign State of Virginia, only after making a soul-searching and painful decision as to where his allegiance should lie; and

WHEREAS General Robert E. Lee was widely recognized as one of this country's foremost military strategists, an outstanding leader of men and a man of great gentleness and compassion; and

WHEREAS after the war, General Lee held no rancor against the Union but devoted his final years to the betterment of life by promoting high ideals and principals of strength through higher education at Washington College in Lexington, Virginia, where he served as that institution's president from 1865 to 1870; and

WHEREAS Robert E. Lee so dedicated himself to the strengthening of spirit and purposes of this fine educational institution that its name was later appropriately changed to Washington and Lee University; and

WHEREAS Senator Harry Byrd has introduced a resolution in the United States Senate to restore posthumously the citizenship of Robert E. Lee which he lost when he joined the Confederacy; and

WHEREAS Robert E. Lee in 1865 had immediately informed General Ulysses S. Grant of his desire to comply with President Andrew Johnson's offer of amnesty as soon as it was extended, and had forwarded his application therefor; and

WHEREAS Lee's oath of allegiance duly executed, signed and notarized was to lie buried in the Nation's archives for more than a century after it was given by Secretary of State Seward to a friend as a souvenir; and

WHEREAS President Andrew Johnson, on December 25, 1868, issued a proclamation which granted full pardon and amnesty unconditionally and without reservation to all persons who participated in the Civil War; and

WHEREAS our distinguished Speaker, G. Sage Lyons, has directly shared in the heritage of Robert E. Lee, having been graduated from that exceptionally fine institution of learning, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most earnestly urge the immediate adoption of Senator Byrd's resolution to restore posthumously the citizenship of the great American, Robert E. Lee.

RESOLVED FURTHER that copies of this resolution be sent to the President of the United States, to the Speaker of the House, Representative Carl Albert of Oklahoma, to Senator Harry F. Byrd and to the Honorable Robert Huntley, President of Washington and Lee University.

Approved May 5, 1971.

Time: 10:08 A.M.

Act No. 87

H. 89—Drake, St. John

AN ACT

To amend Sections 2, 3, 4, 5 and 7, Act No. 68, H. 32, Special Session 1967 (Acts 1967, p. 101), which relates to the Sheriff's Office of Cullman County, by providing for five additional deputies, and a special investigator; by increasing the salary of the chief deputy, clerks, jailers, cook and all other deputies, and by authorizing the purchase of three additional patrol cars.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 68, H. 32, Special Session 1967 (Acts 1967, p. 101) is amended to read as follows:

"Section 2. The salary of the chief deputy of said County shall be a minimum of \$5,400 per annum and a maximum of \$7,020 per annum, said salary to be determined by the Sheriff of said County."

Section 2. Section 3 of Act No. 68, H. 32, Special Session 1967 (Acts 1967, p. 101) is amended to read as follows:

"Section 3. In addition to the chief deputy, the Sheriff of Cullman County is authorized to appoint a total of eleven deputy sheriffs, one which shall be designated as a process server for all writs and instruments which the Sheriff is required to serve. Each deputy shall receive a salary of a minimum of \$5,200 per annum and a maximum of \$6,500 per annum, said salary to be determined by the Sheriff of said County, and shall serve at the pleasure of the Sheriff. In addition to the eleven deputies provided herein, the Sheriff shall also be authorized to appoint a special investigator, who shall serve at the pleasure of the Sheriff at an annual salary of a minimum of \$5,200 per annum and a maximum of \$6,800 per annum, said salary to be determined by the Sheriff of said County."

Section 3. Section 4 of Act No. 68, H. 32, Special Session 1967 (Acts 1967, p. 101) is amended to read as follows:

"Section 4. The Clerk now serving in the Office of the Sheriff of Cullman County shall be designated the Chief Clerk of the office of the Sheriff and shall be entitled to a salary of a minimum of \$4,500 per annum, and a maximum of \$5,200 per annum, said salary to be determined by the Sheriff of said County, and shall serve at the pleasure of the Sheriff. The Sheriff of said County is hereby authorized to appoint one additional clerk for his office who shall serve at the pleasure of the Sheriff and who shall be entitled to a salary of a minimum of \$3,600 per annum and a maximum of \$4,400 per annum, said salary to be determined by the Sheriff of said County."

Section 4. Section 5 of Act No. 68, H. 32, Special Session 1967 (Acts 1967, p. 101) is amended to read as follows:

"Section 5. For the safe, efficient and sanitary operation of the jail and care of prisoners, the Sheriff is hereby authorized to appoint one additional jailer and to employ a regular cook to prepare meals for the prisoners. The salaries of each of the jailers shall be a minimum of \$4,500 per annum and a maximum of \$6,000 per annum, said salary to be determined by the Sheriff, and the salary of the cook shall be a minimum of \$2,000 per annum and a maximum of \$3,200 per annum, said salary to be determined by the Sheriff. All such jailers and cooks shall serve at the pleasure of the Sheriff of said County."

Section 5. Section 7 of Act No. 68, H. 32, Special Session 1967 (Acts 1967, p. 101), is amended to read as follows:

“Section 7. The Sheriff shall for his official use and the use of his deputies be provided with seven automobiles of his choice, with the purchase price and the costs of operation and maintenance of such automobiles to be paid out of the general funds of the county.”

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:15 P.M.

Act No. 88

H. 90—Drake, St. John

AN ACT

Relating to the thirty-second judicial circuit; providing for expense allowance to the Judge of said Circuit, and authorizing him to appoint a secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Judge of the Thirty-Second Judicial Circuit shall be entitled to receive an expense allowance of twenty five per cent (25%) of the amount paid now or hereafter in salary by the State of Alabama, payable in monthly installments out of the general fund of the County. Such expense allowance shall be in addition to any and all other salary, compensation and allowance payable to such Judge either by the State of Alabama or the County composing the Circuit.

Section 2. Each Judge of the Thirty-Second Judicial Circuit shall be authorized to appoint a secretary who shall serve at his pleasure, and who shall receive a salary of not more than \$5,000 per annum, the exact amount thereof to be fixed by the judge appointing such secretary. Said salary to be paid by the governing body of Cullman County in equal monthly installments from the general funds of said County.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved May 11, 1971.

Time: 1:18 P.M.

Act No. 89

H. 37—Williams, Turner, Adams, Gray

AN ACT

To amend Code of Alabama, 1940, Title 48, Section 54, which relates to suspension of operation of a new rate schedule or service regulation of a public utility by the Alabama Public Service Commission, so as to increase the period for which such rate schedule or service regulation may be suspended in order to enable the commission to make such investigations as the public interest requires.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, 1940, Title 48, Section 54, is hereby amended to read as follows:

“Section 54. To enable it to make such investigation as, in its opinion, the public interest requires, the commission, in its discretion, for a period not exceeding six months may suspend the operation of any new schedule of rates or service regulations filed with the commission. Unless as a result of its investigation, the commission otherwise orders before the termination of such period of six months, such rate or service regulation shall thereupon become effective. The commission may make any order in the premises which it is authorized by any of the provisions of this title to make in any investigation or complaint or on its own motion without complaint.”

Section 2. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part remaining.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law; and, being procedural and remedial, it shall apply to applications for approval of changes in rates and service regulations then pending as well as to those thereafter filed.

Approved May 11, 1971.

Time: 1:05 P.M.

Act No. 90

S. 66—Harris, Lybrand, Wilson, O'Bannon

AN ACT

To make appropriations for the operation and maintenance of the State Highway Department, for payment of the principal of and interest on bonds heretofore or hereafter issued for public highway and bridge purposes by the State, Alabama Highway Authority or Alabama Highway Finance Corporation, for salaries, other expenses, equipment purchases, automotive equipment purchases, and for the construction and maintenance of public highways and bridges in the State, which are a part of the State Highway System; and to make conditional allocations to Cities and Counties for construction, reconstruction, and improvement of public roads and bridges.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rents and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment, trucks, tractors, and road building or maintenance machines and the money appropriated therefor shall be expended only for such purposes; (e) "administration" shall include the overhead costs of the operation of the main office of the State Highway Department, viz; the salary of the director, other salaries, other expenses, equipment purchases, and other necessary expenditures for the operation of the main office of the highway department at Montgomery, but shall not include any expenditure for the construction, maintenance or matching of funds for construction or maintenance of roads and bridges; (f) "supervision" shall include the necessary expenditures for district and division offices; viz, other salaries, other expenses, equipment purchases, and such other expenditures as may be necessary for the operation of the district and divisions offices

but shall not include any expenditures for the construction, maintenance or matching of funds for construction or maintenance or matching of funds for construction or maintenance of roads and bridges; (g) "operation" shall include expenditures for other salaries, other expenses, equipment purchases, and other necessary expenses of the State highway department not included under "administration" or "supervision" but shall not include any expenditures for construction, maintenance, or for matching funds for construction or maintenance of roads and bridges; (h) "maintenance" shall include expenditures for other salaries, other expenses, equipment purchases, and such other necessary expenditure for patching, resurfacing and maintaining roads and bridges in the state highway system, but shall not include any expenditure for construction of new roads or bridges or for matching funds for construction of roads or bridges.

Section 2. There is hereby appropriated for each of the fiscal years ending September 30, 1972 and September 30, 1973, respectively, from state revenues accruing to the State Highway Department and from the other sources hereinafter mentioned, the sums hereinafter specified for the respective purposes hereinafter designated, or so much thereof as may be necessary; and the total amount to be obligated for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Each sum hereinafter appropriated shall be deemed to be appropriated for each of the aforesaid fiscal years ending September 30, 1972, and September 30, 1973, except where otherwise hereinafter indicated.

Section 3. There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highway and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

Section 4. There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:

- | | |
|--|---------------|
| (a) For transfer to the State Personnel Department | \$ 92,540.00 |
| (b) For the administration of the State Highway Department for salaries and other expenses: | |
| For the fiscal year ending | |
| September 30, 1972 | 3,900,000.00 |
| For the fiscal year ending | |
| September 30, 1973 | 3,975,000.00 |
| (c) For operation of the State Highway Department, for salaries and other expenses | 3,500,000.00 |
| (d) For supervision of the State Highway Department, for salaries and other expenses: | |
| For the fiscal year ending | |
| September 30, 1972 | 6,750,000.00 |
| For the fiscal year ending | |
| September 30, 1973 | 7,200,000.00 |
| (e) For equipment purchases and automotive equipment purchases: | |
| For the fiscal year ending | |
| September 30, 1972 | 2,000,000.00 |
| For the fiscal year ending | |
| September 30, 1973 | 3,000,000.00 |
| (f) For the maintenance of roads and bridges in the State Highway System, for salaries and other expenses | 19,000,000.00 |
| (g) For roads and streets, drives and parking areas located on the campus of any state institution of higher learning, the Alabama state hospitals and the Partlow state school shall be deemed a part of the state highway system and may be constructed, maintained, and repaired by the state highway department in the same manner as other highways and roads in the state highway system, a total of | |
| | 150,000.00 |

Section 5. There are also appropriated, out of either or both (i) the proceeds from the sale of bonds that may hereafter be issued for public highway and bridge purposes, or either, by the State of Alabama or by Alabama Highway Authority or (ii)

the revenues accruing to the State Highway Department, the following sums for the following purposes:

- | | |
|---|-----------------|
| (a) For matching Federal funds for the construction of roads and bridges of the "Interstate System" | \$ 8,170,000.00 |
| (b) For matching Federal funds for the construction of roads and bridges of "primary system" | 10,831,000.00 |
| (c) For matching Federal funds for the construction of roads and bridges of the "secondary system" | 8,421,000.00 |
| (d) For matching Federal funds for the construction of roads and bridges for the "ABC Urban" system | 3,678,000.00 |
| (e) For matching Federal funds for the construction of roads in the "Urban System" | 1,198,000.00 |
| (f) For matching Federal funds for the construction of roads and bridges in the "TOPICS" program | 1,337,000.00 |
| (g) For matching Federal funds for the replacement of bridges: | |
| For the fiscal year ending | |
| September 30, 1972 | 500,000.00 |
| For the fiscal year ending | |
| September 30, 1973 | 750,000.00 |
| (h) For construction of feeder roads and other portions of, or work in respect to, Federal Aid Projects for which portions or work Federal Matching Funds are not available | 6,960,000.00 |
| (i) For construction of roads and bridges for which no matching funds are available ... | 15,000,000.00 |
| (j) For matching miscellaneous Federal Allotments, such as Appalachian, Forest Highway, and Highway Beautification Programs and allotments for Access Roads as classified by the Appalachian Commission of the United States Government | 4,942,350.00 |
| (k) For constructing and equipping permanent weighing stations and for the purchase of portable weighing equipment (scales) to be used for enforcing the | |

Truck Weight Statutes included in the
Code of Alabama, Title 36 1,000,000.00

- (1) For aid to Counties for use in construction, reconstruction and improvement of public roads and bridges for which no Federal Matching Funds are available, each County to receive \$50,000.00 3,000,000.00

Section 6. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable:

(a) In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made in Section 3 hereof shall be paid in full;

(2) the appropriations made in Section 4 hereof shall be paid in full;

(3) the appropriations from the revenues accruing to the Highway Department that are herein made for the purposes referred to in Section 5 hereof shall be allocated among the purposes referred to in the said Section 5 in such order and with such priorities as the State Highway Director shall from time to time direct; and

(b) In the event of such insufficiency in respect of the appropriations from bond proceeds that are made in Section 5 hereof, the said appropriations shall be allocated among the purposes referred to in the said Section 5 in such order and with such priorities as the State Highway Director shall from time to time direct; provided, that such allocation shall be so made that all moneys that the State is required to apply or allocate as a prerequisite to the securing of all federal funds that will be available to the State for highway and bridge purposes on or prior to September 30, 1975, will (to the full extent of the proceeds from all such bonds) be applied or allocated in accordance with the applicable requirements of the United States of America so as to enable the State to secure the said federal funds.

Section 6A. There are hereby appropriated, out of either or both (i) the proceeds from the sale of bonds that may be issued by Alabama Highway Authority prior to October 1, 1971, for public highway and bridge purposes, or either, and (ii) the revenues accruing to the State Highway Department prior to October 1, 1971, for the purpose of matching federal funds such sums as it may be necessary or appropriate for the state to apply or allocate prior to October 1, 1971, as a prerequisite to

securing federal funds for construction of public roads and bridges, or either, in the state.

Section 7. The funds appropriated in Section 5 hereof, for the matching of Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.

Section 8. In addition to the appropriations hereinabove made there is hereby appropriated to the State Highway Department the funds accruing thereto from the so-called "Captive Counties" for road and bridge construction and maintenance, and for salaries, other expenses, equipment purchases, and automotive equipment purchases related thereto to be expended only for the benefit of the particular county or counties from which such revenues are derived.

Section 9. In addition to all appropriations hereinabove made, there is hereby appropriated to the State Highway Department all Federal funds accruing thereto to be expended only for the purposes for which such funds are made available.

Section 10. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to the State Highway Department are hereby appropriated and, in the event the same are recurring, are re-appropriated to such department to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 11. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 12. The appropriations made herein for the fiscal year ending September 30, 1973, shall also apply and be effective for the fiscal year ending September 30, 1974, and for each fiscal year thereafter unless the Legislature shall hereafter adopt another Act appropriating funds accruing to the State Highway Department for expenditure during the fiscal year ending September 30, 1974, and thereafter.

Section 13. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, the Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein

that have been spent in each county in the State during the fiscal year then ended.

Section 14. This act shall become effective upon its being signed by the Governor or otherwise becoming law; provided, however, that the appropriation herein made for the fiscal years ending September 30, 1972, and September 30, 1973, and thereafter, shall not become effective until the first day of each of those respective fiscal years.

Approved May 11, 1971.

Time: 1:20 P.M.

Act No. 91

H. 122—Smith (P)

AN ACT

To amend Section 3 and Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109) entitled "An Act to regulate further the procedure for the abandoning of the Commission form of government and the reorganization of the city government thereafter in all cities of this state which have populations of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census," with respect to methods of qualifying as a candidate, the deadline for qualifying as a candidate, the prohibition of "single-shot" voting, the dates of elections and run-off elections, and the conduct of such elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109) is amended to read as follows:

"Section 3. If the proposition is adopted, the judge of probate shall call an election in such city for the purpose of electing a mayor and five aldermen, in such year as the city presently holds its elections under the commission form of government. Such call shall be made on February 1st of such election year next following the filing of the certificate of the results of the election on the proposition of abandoning the commission form of government which the judge of probate in the manner described in the above-cited law; provided, however, that if such certificate is filed during a year in which such city presently holds its elections under the commission form of government, at least thirty days before such election would be held under the commission form of government, such call shall be made forthwith. The aldermen shall be elected by the city at large, and candidates for such office may reside anywhere within the city. Candidates must file certificates of qualifications and declarations of candidacy with the city clerk not later than five o'clock p.m. on the first Tuesday in July preceding the date set for the election. The positions on the council shall

not be numbered or otherwise individually designated and no person shall be a candidate for a particular place on the council. The election shall be held on the second Tuesday in August next following such call. In the event a candidate for mayor and five candidates for aldermen, each, do not receive a majority of the votes cast in that election, then a second or run-off election shall be held on the first Tuesday after the second Monday in September next following. In the second election there shall be only two candidates for mayor and twice as many candidates for aldermen as there are positions to be filled. The candidates for mayor receiving the highest and next highest number of votes in the first election hereinabove provided for shall be the only candidates for mayor in the second election. In the event no candidate for alderman receives a majority of the votes cast in the first election, then the ten candidates receiving the ten highest votes in the first election shall be the only candidates in the second election. In the event only one candidate for alderman receives a majority of the votes cast in the first election then the eight candidates receiving the eight highest number of votes but not a majority shall be the only candidates in the second election. In the event that two or more candidates for the office of alderman, each, receive a majority of the votes cast in the first election then there shall be twice as many candidates in the second election as there are positions remaining to be filled; and the appropriate number of candidates to make two for each office to be filled, receiving the highest number of votes but not a majority in the first election, shall be the only candidates in the second election. The candidate or candidates receiving the highest number of the votes cast in the second election shall be elected, so that only one mayor and five aldermen shall be elected.

A ballot commonly known or referred to as "a single shot" shall not be counted in any such election for aldermen. In voting for aldermen in such election, each voter must vote for as many candidates as there are places to be filled, and if he fails to do so, his ballot so far as the office of alderman is concerned, shall not be counted and recorded.

The expense of the election or elections shall be paid by the city.

Except as provided in this act all elections held under this act shall be governed by the general municipal election laws applicable to cities of such size having a mayor-council form of government.

Section 2. Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109) is amended to read as follows:

"Section 5. After the election of a mayor and five aldermen as provided in Section 3 of this Act, the organization of

the government of such cities shall be as provided for in the general municipal laws applicable to such city, and subsequent municipal elections in such city shall in all respects be governed by the general municipal election laws applicable to such city; provided, however, such subsequent elections shall be held on the second Tuesday in August four years after such election under Section 3 of this Act, and on the first Tuesday after the second Monday in September every four years thereafter. The mayor and aldermen elected at such subsequent elections shall hold office for a term of four years from the first Monday in October following their respective election and until their successors have been elected and have qualified.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:22 P.M.

Act No. 92

H. 21—Mathews, McCorquodale

AN ACT

To make additional appropriations to certain state functions for the fiscal year ending September 30, 1971, to supplement those amounts appropriated in Act No. 995, 1969 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, the following amounts from the funds designated, and for the purposes specified, for the fiscal year ending September 30, 1971.

FROM THE GENERAL FUND

I. LEGISLATIVE:

- (1) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for the salaries and expenses of the Legislature 500,000.00

II. EXECUTIVE:

A. Departments, Boards, Bureaus, Agencies and Commissions:

(1) Department of Health:

(a) Medicaid

For transfer to Medicaid account.....3,100,000.00

- (2) Department of Pension and Security:
 For transfer to the Department of
 Pensions and Security for the sup-
 port, maintenance and operations of
 the functions of Pensions and Se-
 curity 500,000.00
- (3) Department of Public Safety:
 For other salaries\$450,000.00
 For other expenses 100,000.00
-
- Total..... 550,000.00
- (4) Securities Commission:
 For the payment of rent for space for
 use of the commission 2,300.00

B. Correctional Functions:

- (1) Board of Corrections:
 For transfer to Board of Corrections..... 390,000.00

C. Miscellaneous:

- (1) Departmental Emergency Fund 115,000.00
 This is a supplemental appropriation
 for the purposes contemplated in Sec-
 tion 105, Title 55 of the Code of Ala-
 bama 1940.

D. From Funds Other Than General Fund:

- (1) Board of Corrections:
 For other salaries 125,000.00
 For other expenses 200,000.00
 For purchases of fertilizer,
 seeds and herbicides 65,000.00
 Total 390,000.00

The funds hereinabove appropriated to
 the Board of Corrections shall be paid
 out of the Board of Corrections Fund
 and includes the appropriations to the
 said Fund as provided in Item II B. (1)
 hereof.

- (2) Health Department:
 (a) Medicaid:
 For the operation of the Medicaid
 Program3,100,000.00
 The above appropriation is payable
 from the funds transferred to this
 account in Item II A. (1) hereof.

- (3) Department of Pensions and Security :
 For other salaries and expenses 500,000.00
 For other salaries and expenses incident
 to the operation and management of the
 Department, for all welfare purposes as
 provided by law, there is hereby appro-
 priated, in addition to the amounts set
 out in Item II A. (2) hereof, all Fed-
 eral, State, County and Municipal funds
 made available therefor.

Section 2. In addition to the appropriations herein made, all gifts, grants or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama, are hereby appropriated and, in the event the same are recurring, are re-appropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 3. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:07 P.M.

Act No. 93

H. 57—Collins, Lyons, Robertson, Therell,
 Callahan

AN ACT

To provide that any pupil attending any public school in this State who has been assaulted, threatened with bodily harm or unlawfully intimidated by any other pupil attending the same school, shall have the right to transfer to another school.

Be It Enacted by the Legislature of Alabama:

Section 1. Any pupil attending any public school in this State who is assaulted, threatened with bodily harm or unlaw-

fully intimidated by any other pupil attending the same school shall have the right to transfer to another school of his or her choice within the same school system on compliance with the provisions of this Act.

Section 2. The parent or guardian of any pupil who desires to avail themselves of the provisions of this Act must file with the appropriate school board an application for transfer of the pupil to another school of his choice within the same school system accompanied by a sworn affidavit by the pupil setting forth the facts of the assault, threat of bodily harm or unlawful intimidation.

Section 3. Any school board receiving an affidavit and application for transfer as prescribed above shall immediately cause an investigation to be conducted by the superintendent thereof to verify the facts as stated in such affidavit, and, upon prima facie proof of the truth of such allegations in such affidavit being presented, the Board shall hold a hearing thereon within fifteen (15) days thereafter, notice of not less than seven (7) days having been given to any party in interest, including but not limited to the alleged aggressor and the alleged victim. Any and all parties in interest may be represented by counsel.

The school board shall grant such application upon being reasonably satisfied of the truth of the allegations in such affidavit.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:06 P.M.

Act No. 94 H. 47—Gloor, Grainger, Merrill, Williams, Bank, Downing, Pruitt, McCorquodale, Mathews, Fite, Hill, Stubbs, Hearn, Grey (D), Agee, Cottingham, Drake, Culver, Lutz, Adwell, Lyons, Robertson, Ellis, St. John, Headley, Weeks, Casey

AN ACT

To authorize Alabama Public School and College Authority to sell and issue \$53,000,000 aggregate principal amount of additional bonds for capital improvements, of which \$37,750,000 in principal amount shall be issued to provide facilities for medical education and related and allied purposes and \$15,250,000 in principal amount shall be issued to provide facilities for mental health programs and facilities for the education and training of mentally retarded children and emotionally disturbed children and related services; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority, or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale of the said \$37,750,000 principal amount thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued, and the proceeds from the sale of the said \$15,250,000 principal amount of the bonds shall be disbursed on orders or warrants issued by or on the direction of the Mental Health Board for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: Wherever used in this Act the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

“1957 Act” means Act No. 499 adopted at the 1957 Regular Session of the legislature.

“1959 Act” means Act No. 126 adopted at the Second Special Session of 1959 of the legislature.

“1965 Act” means Act No. 243 adopted at the First Special Session of 1965 of the legislature.

“1967 Act” means Act No. 403 adopted at the 1967 Regular Session of the legislature.

“1969 Act” means Act No. 1031 adopted at the 1969 Regular Session of the legislature.

"Authority" means Alabama Public School and College Authority, a public corporation and instrumentality of the state that was organized and is existing under the provisions of the 1965 Act.

"Board of directors" means the board of directors of the Authority.

"Bonds" (except where that word is used with reference to bonds issued under another Act), means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, libraries, laboratories, clinical and teaching facilities, together with equipment therefor.

"Legislature" means the Legislature of Alabama.

"Mental Health Board" means the Alabama Mental Health Board, a public corporation and instrumentality of the state that was organized and is existing under the provisions of Act No. 881 adopted at the 1965 Regular Session of the legislature.

"Refunding bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. Authorization to Issue Additional Bonds and Purposes Thereof. Alabama Public School and College Authority is hereby authorized to sell and issue its bonds in the aggregate principal amount of \$53,000,000 for capital outlay purposes as follows:

(a) \$37,750,000 principal amount of the bonds shall be issued for the purpose of acquiring and providing facilities for medical education and training of additional students to become physicians, surgeons, pharmacists, nurses and allied health personnel, acquiring and providing facilities for the furnishing of health care services, and establishing and expanding research institutions, environmental centers and neighborhood clinics, and the furnishing of related health services, including the acquisition of equipment and land therefor; provided all monies spent for the purpose of acquiring and providing facilities for training in pharmacy shall be spent at the main campus of Auburn University at Auburn, Alabama; and

(b) \$15,250,000 principal amount of the bonds shall be issued for the purpose of acquiring and providing new and expanded facilities for mental health programs and teaching centers for the education and training of mentally retarded children

and emotionally disturbed children, including the acquisition of equipment and land therefor.

The bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds heretofore authorized to be issued by it.

Section 3. Execution and Other Details of the Bonds. The bonds shall be executed, sealed and attested, shall with the income therefrom be exempt from all taxation in the state, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, all as is provided in the 1965 Act. The bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the board of directors under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued. The board of directors may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof and such terms and conditions shall not conflict with any of the requirements of this Act. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of the bonds.

Section 4. Sale of the Bonds. The bonds may be sold by the Authority from time to time in series, and if sold in more than one series may all be authorized in one initial resolution of the board of directors with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid therefor; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale shall be given by pub-

lication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Neither a public hearing nor consent by the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing the principal of and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose and hereby appropriated such amount as may be necessary for such purpose from the following sources:

(a) The residue of the receipts from the excise tax (sometimes referred to as the utilities gross receipts tax) levied by Act No. 21 adopted at the 1969 Special Session of the Legislature of Alabama, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 21, as amended, being that portion of the said tax that is required by the said Act No. 21, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(b) The residue of the receipts from the excise tax (sometimes referred to as the utilities use tax) levied by Act No. 37 adopted at the 1969 Special Session of the Legislature of Alabama, as amended, remaining after payment of the expense of administration and enforcement of the said Act No. 37, as amended, being that portion of the said tax that is required by the said Act No. 37, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(c) The residue of the receipts from the license tax levied on those engaging in the business of leasing or renting tangible personal property levied by an act adopted at the Special Session of the Legislature of Alabama that convened on March 31, 1971, remaining after payment of the expenses of administration and enforcement of the said act, being that portion of the said tax that is required by the said act to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this Section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the Second Special Session of 1959 of the Legislature of Alabama, as amended, after there shall have been taken from the said residue the amounts appropriated for other educational purposes in Section 32 of the said Act No. 100 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue amounts sufficient to meet all prior charges on the said residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those of the following bonds that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein: (1) those bonds issued by the State of Alabama under the 1957 Act; (2) those bonds issued by Alabama Education Authority under the 1959 Act; (3) those bonds issued by Alabama Public School and College Authority under any of the 1965 Act, the 1967 Act, or the 1969 Act; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the use tax levied in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, after there shall have been taken from the said receipts the amount necessary to meet the expenses of the State Department of Revenue in collecting the said use tax (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue such amounts as may be necessary to meet all prior charges on the said use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in clauses (1), (2), and (3) of subsection (d) of this section.

The State Treasurer is authorized and directed to pay at their respective maturities the principal of and interest on the bonds out of the residue of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he is authorized to set up and maintain appropriate records pertaining thereto.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of

and the interest on the bonds. The state treasurer is directed to set up and maintain appropriate records pertaining thereto and to pay from the said fund the said principal and interest at the respective maturities thereof.

Section 6. Bonds to be Payable Solely Out of Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. Bonds issued by the Authority shall not be general obligations of the Authority and shall be limited obligations payable solely out of the residue of the tax receipts appropriated and pledged in Section 5 of this Act. All bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the state. As security for the payment of the principal of and interest on the bonds, the Authority is hereby authorized and empowered to pledge for payment of the principal of and interest on the bonds the residue of the tax receipts that are appropriated and pledged in Section 4 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All such pledges shall be prior and superior to pledges that may be made for any refunding bonds hereafter issued by Alabama Education Authority under the provisions of the 1959 Act or by the Authority under the provisions of the 1959 Act or by the Authority under the provisions of any of the 1965 Act, or the 1967 Act, or the 1969 Act, or any other Act heretofore enacted.

Section 7. Sale of Refunding Bonds. The Authority may from time to time sell and issue refunding bonds in amounts sufficient to refund the principal of any matured or unmatured bonds or refunding bonds then outstanding that were issued by the Authority under the provisions of this Act, or the 1965 Act, the 1967 Act, the 1969 Act, or any other Act previously enacted, or that were issued by Alabama Education Authority under the provisions of the 1959 Act, and to pay the expenses of such refunding and any premiums necessary to retire those so refunded. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on the refunding bonds issued by it under this Act and to accomplish the purposes of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose of the residue of the receipts from the excise taxes appropriated and pledged in subsections (a), (b), (c) and (d) of Section 5 of this Act, but such pledge and appropriation shall be subject and subordinate to the pledge and appropriation made in the said Section 5 for payment of the principal of and interest on the bonds issued under the provisions of Section 2 of this Act. All other

provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act, and (b) paragraphs (a) and (b) of Section 8 of this Act. All pledges made in this Act, and all pledges made by the Authority pursuant to the provisions of this Act, for the benefit of refunding bonds issued under this Act, and all such pledges for the benefit of any refunding bonds which may be issued under this Act shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds.

Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The remaining proceeds derived from the sale of the bonds shall thereafter be distributed and paid over as follows:

(a) The proceeds from the sale of \$37,750,000 principal amount of the bonds remaining after payment of the expenses of issuance thereof shall be retained in a special fund in the state treasury and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2(a) of this act as may be deemed by the Authority to be most advantageous to the state, and shall be used solely for such purposes; provided, that the proceeds from the sale of \$37,750,000 principal amount of the bonds remaining after payment of the expense of issuance thereof shall be used as follows:

(i) \$4,000,000 of such proceeds shall be used for acquiring and providing facilities suitable for the establishment of internship and residency programs and undergraduate clinical training at the University of Alabama, Tuscaloosa;

(ii) \$4,000,000 of such proceeds shall be used for acquiring and providing facilities suitable for the establishment of internship and residency programs and undergraduate clinical training at the University of Alabama in Huntsville;

(iii) \$4,000,000 of such proceeds shall be used for acquiring and providing facilities suitable for research and education in environmental studies, nursing and allied purposes, said facilities to be located at Huntsville and operated by the University of Alabama in Huntsville;

(iv) \$11,500,000 of such proceeds shall be used for acquiring and providing facilities suitable for education or training of physicians and surgeons, said facilities to be located at Birmingham and operated by the University of Alabama in Birmingham;

(v) \$10,000,000 of such proceeds shall be used for acquiring and providing facilities suitable for education or training of physicians and surgeons, said facilities to be located at Mobile and operated by the University of South Alabama;

(vi) \$4,000,000 of such proceeds shall be used for acquiring and providing facilities suitable for education or training of pharmacists, said facilities to be operated by Auburn University;

(vii) \$250,000 is hereby appropriated to Alabama Institute for the deaf and blind, Talladega, Alabama for acquisition and construction of an eye, ear, nose and throat clinic adjacent to the Citizens' Hospital, Talladega, Alabama.

The expenses of the issuance of the bonds allocated under this sub-section shall be prorated among the recipients thereof.

(b) The proceeds from the sale of \$15,250,000 principal amount of the bonds remaining after payment of the expenses of issuance thereof shall be retained in a special fund in the state treasury and paid out from time to time on orders or warrants issued by or on the direction of the Mental Health Board for any of the purposes specified in Section 2(b) of this Act as may be deemed by that board to be most advantageous to the state, and shall be used solely for such purposes; provided that the proceeds from the sale of \$15,250,000 principal amount of the bonds remaining after payment of the expense of issuance thereof shall be used as follows:

(i) \$2,500,000 shall be applied for the acquisition and construction of the Mobile Development Center in Mobile County;

(ii) \$5,500,000 shall be applied for the acquisition and construction of the Wetumpka Development Center in Elmore County;

(iii) \$5,500,000 shall be applied for the acquisition and construction of the Birmingham Development Center in Jefferson County;

(iv) \$750,000 shall be applied for the acquisition and construction of the Eufaula Adjustment Center in Barbour County;

(v) \$750,000 shall be applied for the acquisition and construction of the Thomasville Adjustment Center in Clarke County;

(vi) \$250,000 shall be applied for the acquisition and construction of the Andalusia Adjustment Center in Covington County.

The expenses of the issuance of the bonds allocated under this subsection shall be prorated among the recipients thereof.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by Alabama Building Commission, or any agency that may be designated by the legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying the expenses of such refunding and any premium that may be necessary to be paid in order to retire the bonds so refunded.

Section 9. Severability Clause. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 10. Effective Date. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved May 11, 1971.

Time: 1:00 P.M.

Act No. 95

H. 7—Merrill, Ellis, Stubbs, Waldrop
AN ACT

To amend Act No. 753 approved September 12, 1969, creating the Alabama Constitutional Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 753 approved September 12, 1969, is hereby amended to read as follows:

“Section 3. The Commission shall make specific recommendations for amendments or revisions of the Constitution in a report or reports to the Legislature through the President of the Senate and the Speaker of the House of Representatives, and to the Governor, at such times and in such forms as the Commission shall determine. The final report shall be made not later than the date of the commencement of the Regular Session of the Legislature in 1973.”

Section 2. Section 7 of said Act is hereby amended to read as follows:

"Section 7. The Commission shall cause any interim reports to the Legislature and the Governor to be printed or otherwise duplicated and prepared in such form and quantities, and distributed to the extent and in the manner determined by it. The final report of the Commission shall, and any interim report may by order of the Commission, be printed as provided in subdivision 2 of Article 4, Chapter 4, Title 55 of the Code of Alabama."

Section 3. Section 13 of said Act is hereby amended to read as follows:

"Section 13. There is hereby appropriated to the Commission from the State General Fund for the biennium 1970-71 the sum of \$100,000.00."

Section 4. Section 8 of said Act is hereby amended to read as follows:

"Section 8. The Commission shall consist of twenty-five members, of whom at least two shall reside in each Congressional District, selected as follows:

(a) Fourteen members shall be appointed by the Governor;

(b) The President of the Senate and the Speaker of the House shall be members of said Commission by reason of their office;

(c) Five members shall be appointed by the Speaker of the House from the membership of the House;

(d) Four members shall be appointed by the President of the Senate from the membership of the Senate."

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:24 P.M.

Act No. 96

H. 17—McCorquodale, Casey, Merrill, Drake, Hobbie, Burgess, Fite, McDonald, Hearn, Grainger, Lyons, Ellis, Bank, Gloor, Stubbs, Pruitt

AN ACT

To raise revenue; to levy a privilege or license tax against persons on account of engaging in the business of leasing or renting tangible personal property; to prescribe the rates of the said tax and to provide certain exemptions therefrom; to provide for administration and collection of the said tax, and in connection therewith, to define further the terms "wholesale sale" and "retail sale" for the purpose of administering Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, and Section 787 of Title 51 of the Code of Alabama of 1940, as amended; and to provide for the disposition of revenues from the said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases, when used in this Act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) The term "business" means and shall include all activities engaged in, or caused to be engaged in, by any person with the object of gain, profit, benefit or advantage, either direct or indirect, to such person.

(b) The term "commissioner" means the commissioner of revenue of the state.

(c) The term "department" means the department of revenue of the state.

(d) the term "gross proceeds" means the value proceeding or accruing from the leasing or rental of tangible personal property, without any deduction on account of the cost of the property so leased or rented, the cost of materials used, labor or service cost, interest paid or any other expense whatsoever, and without any deductions on account of loss, and shall also include on the part of any person claiming exemption under Section 3(d) hereof an amount equal to the amount of rental paid on any tangible personal property acquired under such exemption and thereafter diverted to the use of such person.

(e) The term "leasing or rental" means and includes a transaction whereunder the person who owns, or controls the possession of, tangible personal property permits another person to have the possession or use thereof for a consideration and for the duration of a definite or indefinite period of time, without transfer of the title to such property. The detention by the user thereof of freight cars, oxygen and acetylene tanks, and similar property, in respect of which detention a demurrage or per diem charge is made against the user of such property, shall not be deemed to constitute a transaction whereunder property is leased or rented to another within the meaning of this Act.

(f) The term "person" means any natural person, firm, partnership, association, corporation, receiver, trust, estate, or

other entity, or any other group or combination of any thereof acting as a unit.

(g) The term "state" means the State of Alabama.

(h) the term "tangible personal property" means and includes personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance, or other contracts, or securities.

Section 2. Levy of Tax. In addition to all other taxes now imposed by law, there is hereby levied and shall be collected as herein provided a privilege or license tax on each person engaging or continuing within this state in the business of leasing or renting tangible personal property at the rate of 4% of the gross proceeds derived by the lessor from the lease or rental of tangible personal property; provided, that the said privilege or license tax on each person engaging or continuing within this state in the business of leasing or renting any automotive vehicle or truck trailer, semitrailer, or house trailer, shall be at the rate of 1-1/2% of the gross proceeds derived by the lessor from the lease or rental of such automotive vehicle or truck trailer, semitrailer, or house trailer; provided further, that the tax levied in this act shall not apply to any leasing or rental, as lessor, by the state, or any municipality or county in the state, or any public corporation organized under the laws of the state, including without limiting the generality of the foregoing, any corporation organized under the provisions of Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as amended; provided further that the privilege or license tax on each person or firm engaging or continuing within this state in the business of the leasing and rental of linens and garments, shall be at the rate of 2% of the gross proceeds derived by the lessor from the lease or rental of such linens and garments.

Section 3. Exemptions. There are exempted from the computation of the amount of the tax levied, assessed or payable under this Act the following:

(a) The gross proceeds accruing from the leasing or rental of a film or films to a lessee who charges, or proposes to charge, admission for viewing the said film or films;

(b) The gross proceeds accruing from any charge in respect of the use of docks or docking facilities furnished for boats or other craft operated on water ways;

(c) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of

tangible personal property to be used on the premises of real property leased by the same landlord to the same tenant for use as a residence or dwelling place, including mobile homes;

(d) The gross proceeds accruing from the leasing or rental of tangible personal property to a lessee who acquires possession of the said property for the purpose of leasing or renting to another the same property under a leasing or rental transaction subject to the provisions of this Act;

(e) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of tangible personal property to be used on the premises of any room or rooms, lodging, or accommodations leased or rented to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration;

(f) The gross proceeds accruing from the leasing or rental of tangible personal property which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of the state; and

(g) The gross proceeds accruing from the leasing or rental of nuclear fuel assemblies together with the nuclear material contained therein and other nuclear material used or useful in the production of electricity and assemblies containing ionizing radiation sources together with the ionizing radiation sources contained therein used or useful in medical treatment or scientific research.

(h) A transaction whereunder the lessor leases a truck or tractor-trailer or semitrailer, for operation over the public roads and highways, and such lessor furnishes a driver or drivers for each such vehicle, such transaction shall be deemed to constitute the rendition of service and not a "leasing or rental" within the meaning of this act.

(i) The gross proceeds accruing from the leasing or rental of vehicles in interchange between regulated motor carriers on a per diem basis.

Section 4. License Required to Engage in Business for which Tax is Imposed under Section 2. If any person on or after July 1, 1971 shall engage in or continue in any business for which a privilege tax is imposed by Section 2 of this Act, as a condition precedent to engaging or continuing in such business he shall apply for and obtain from the department a license to engage in and to conduct such business for the current tax year upon the condition that he shall pay the taxes accruing to the state under the provisions of this Act; provided, however,

that no license shall be issued under the provisions of this Act to any person who has not complied with the provisions of this Act, and no provision of this Act shall be construed as relieving any person from the payment of any license or privilege tax now or hereafter imposed by law.

Section 5. Administration of Act and Collection of Tax. The provisions of this Act shall be administered, and the tax herein levied shall be collected in accordance with the procedures set forth in Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, for administering and collecting the tax therein levied, and for such purposes there are hereby incorporated into this Act by reference the provisions of Section 5 to 21, inclusive, Section 23, Section 25, and Sections 27 to 30, inclusive, of the said Act No. 100, together with the definitions applicable to said sections contained in Section 1 of said Act No. 100; provided, that wherever in the said provisions the term "gross proceeds of sales" or "gross receipts" shall appear, the same for the purposes of this Act shall be construed to mean "gross proceeds" as defined in this Act; provided further, that a sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the tax levied in this Act, shall be deemed to be a "wholesale sale" or a "sale at wholesale" for the purpose of administering the said Act No. 100 and Section 787 of Title 51 of the Code of Alabama of 1940, as amended; provided further, that a sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in this Act shall be deemed to be a "retail sale" or a "sale at retail" for the purpose of administering the said Act No. 100 and the said Section 787, regardless of whether such sale is to the person who theretofore leased or rented the said tangible property or to some other person; provided further, in the event of the repeal of the said Act No. 100, such repeal shall not operate to eliminate the tax collection procedures contained therein to the extent they are incorporated in this Act by reference, unless the legislation providing for such repeal shall clearly indicate such a result.

Section 6. Interest on Overpayment. On any overpayment of the tax levied in this Act, the department shall refund, in addition to the overpayment, interest on such overpayment at the rate of one-half of one per cent per month, or fraction thereof, from the date of such overpayment. The commissioner shall adopt such rules and regulations as he deems necessary for the proper administration of this section.

Section 7. Proceeds of Tax to be Deposited in Treasury. All taxes or other funds received or collected by the department under the provisions of this Act shall be deposited in the state treasury without delay.

Section 8. Disposition of Revenues from Tax. The total proceeds of the taxes or other funds deposited in the state treasury pursuant to Section 7 of this Act remaining after payment of the expenses of administration and enforcement of this Act shall be deposited to the credit of Alabama Special Educational Trust Fund.

Section 9. Severability Provision. The provisions of this Act are severable. If any part of the Act is declared invalid, such declaration shall not affect the part which remains.

Section 10. Effective Date. This Act shall become effective on the first day of the second calendar month after its approval by the Governor or its otherwise becoming law.

Approved May 11, 1971.

Time: 1:25 P.M.

Act No. 97

H. 38—Turner, Williams, Adams

AN ACT

To amend further Code of Alabama 1940, Title 48, Section 52, so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 48, Section 52, as amended, is further amended to read as follows:

Section 52. The rates and charges for the services rendered and required shall be reasonable and just to both the utility and the public. Every utility shall be entitled to such just and reasonable rates as will enable it at all times to fully perform its duties to the public and will, under honest, efficient and economical management, earn a fair net return on the reasonable value of its property devoted to the public service. For the purpose of fixing rates such reasonable value of a public utility's property shall be deemed to be the original cost thereof, less the accrued depreciation, as of the most recent date available, and the amount of the new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property. In any determination of the commission as to what constitutes such a fair return, the

commission shall give due consideration, among other things, to the requirements of the business with respect to the utility under consideration, and the necessity, under honest, efficient and economical management of such utility, of enlarging plants, facilities and equipment of the utility under consideration, in order to provide that portion of the public served thereby with adequate service. Provided, however, where railroads are required to keep their accounts and records and do keep them in accordance with the requirements of any law of the United States or uniform system of accounts prescribed by the interstate commerce commission, the information therein reflected shall be sufficient, and they shall not be required to make any further or other separation of intrastate operations than is reflected and required by such federal law or uniform system of accounts prescribed by the interstate commerce commission, unless additional or more detailed information from the records of the company is deemed necessary and is ordered by the commission relating to intrastate commerce in Alabama.

Section 2. Title 48, Section 319 of the 1958 Recompiled Code of Alabama and all laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or by its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:26 P.M.

Act No. 98

H. 48—Grainger, Gloor, Merrill, Williams, Waggoner, Bank, Downing, Pruitt, McCorquodale, Mathews, Fite, Hill, Stubbs, Hearn, Turnham, Grey, Agee, Cottingham, Drake, Culver, Lutz, Adwell, Lyons, St. John, Headley, Weeks, Casey

AN ACT

To amend Act No. 21 enacted at the 1969 Extraordinary Session of the Legislature of Alabama, relating to a privilege or license tax on account of the furnishing of certain utility services, so as to change the rate of the said tax levied in the said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 21 enacted at the 1969 Extraordinary Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 4. Levy of Tax. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against every utility in the State of Alabama on account of the furnishing of utility services by said utility, and the amount of said tax shall be determined by the application of rates against gross sales or gross receipts, as the case may be, from the furnishing of utility services in the State of Alabama and shall be computed monthly with respect to each person to whom utility services are furnished, in accordance with the following table:

If monthly gross sales or gross receipts re- specting a person are:	The Tax is:
Not over \$40,000	4% of such gross sales or gross receipts
Over \$40,000 but not over \$60,000	\$1,600 plus 3% of excess over \$40,000
Over \$60,000	\$2,200 plus 2% of excess over \$60,000

Section 2. Effective Date. This Act shall become effective on the first day of the second calendar month after its approval by the Governor or its otherwise becoming law.

Approved May 11, 1971.

Time: 1:28 P.M.

Act No. 99

H. 49—Grainger, Gloor, Merrill, Williams,
Waggoner, Bank, Downing,
Pruitt, McCorquodale, Mathews,
Fite, Hill, Stubbs, Hearn,
Turnham, Grey, Agee, Cottingham,
Drake, Culver, Casey, Lutz,
Adwell, Lyons, St. John, Headley,
Weeks

AN ACT

To amend Act No. 37 enacted at the 1969 Extraordinary Session of the Legislature of Alabama, relating to an excise tax on account of the use, storage or consumption in the State of Alabama of certain utility services, so as to change the rate of the said tax levied in the said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 37 enacted at the 1969 Special Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 4. Levy of Tax. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, an excise tax on the storage, use or other consumption in the State of Alabama of utility services furnished by utilities and the amount of said tax shall be determined by the application of rates against the sales price of said utility services, regardless of whether the utility furnishing said utility services is or is not engaged in business in this state, except as hereinafter provided, and shall be computed monthly in accordance with the following table:

If the total sales price of the utility services furnished by a utility and stored, used or otherwise consumed by a person in one month is:

Not over \$40,000

Over \$40,000 but not over \$60,000

Over \$60,000

The Tax with respect to said utility service is:

4% of said sales price

\$1600 plus 3% of excess over \$40,000

\$2200 plus 2% of excess over \$60,000

Every person storing, using or otherwise consuming utility services in the State of Alabama furnished by a utility shall be liable for the tax imposed herein, and the liability shall not be extinguished until said tax shall have been paid to the State of Alabama."

Section 2. Effective Date. This Act shall become effective on the first day of the second calendar month after its approval by the Governor or its otherwise becoming law.

Approved May 11, 1971.

Time: 1:30 P.M.

Act No. 100

H. 50—Turnham, Gloor, Merrill, Grainger, Lutz, Adwell, Agee, Drake, Bank, Casey, Lyons, Ellis, Culver, Waggoner, Headley, Weeks, Stubbs

AN ACT

To amend Section 1 of Act No. 100 enacted in the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, relating to a privilege or license tax levied against persons on account of certain business activities, so as to change certain definitions in the said Section 1.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 100 enacted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, is hereby amended to read as follows:

Section 1. Definitions. The following words, terms and phrases, when used in this Act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) The term "person" or the term "company" herein used interchangeably, includes any individual, firm, co-partnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(b) The term "department" means the department of revenue of the state of Alabama.

(c) The term "commissioner" means the commissioner of revenue of the state of Alabama.

(d) The term "tax year" or "taxable year" means the calendar year.

(e) The term "sale" or "sales" includes installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

(f) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property (and including the proceeds from the sale of any property handled on consignment by the taxpayer), including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses; provided that cash discounts allowed and taken on sales shall not be included, and "gross proceeds of sales" shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term "gross proceeds of sale" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which

has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

(g) The word "taxpayer" means any person liable for taxes hereunder.

(h) The term "gross receipts" means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in (not including, however, interest, discounts, rentals of real estate or royalties) and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Said term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

(i) The term "wholesale sale" or "sale at wholesale" means any one of the following: a sale of tangible personal property by wholesaler to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale; a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, and the furnished container and label thereof; a sale of containers intended for one

time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons; a sale of pallets intended for one time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons; a sale to a manufacturer or compounder, of crowns, caps, and tops intended for one time use employed and used upon the containers in which such manufacturer or compounder markets his products; a sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse; a sale of bagging and ties used in preparing cotton for market; a sale to meat packers, manufacturers, compounders, or processors of meat products of all casings used in molding or forming weiners and vienna sausages even though such casings may be recovered for re-use; a sale of commercial fish feed including concentrates, supplements, and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis; a sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in an act adopted at the Extraordinary Session of the Legislature of Alabama which convened on March 31, 1971, against any person engaging in the business of leasing or renting tangible personal property to others. The term "wholesale sale" or "sale at wholesale" shall also be deemed to include a purchase or withdrawal of parts or materials from stock by any person licensed under this Act where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

(j) The term "sale at retail" or "retail sale" shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold, or prices at which sold, are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of

tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon. The term "retail sale" or "sale at retail" shall mean and include the sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in an act adopted at the Extraordinary Session of the Legislature of Alabama which convened on March 31, 1971, regardless of whether such sale is to the person who theretofore leased or rented the said tangible personal property or to some other person.

(k) The word "business" as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

(l) The term "automotive vehicle" shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

(m) The use within this state of tangible personal property by the manufacturer thereof, as building materials, in the performance of a construction contract, shall, for the purposes of this article be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required

to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this article.

(n) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama has registered with the department of revenue and has received therefrom a certificate of such registration or, if a non-resident of this state purchasing lumber for resale outside of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before the thirty-first day of January of each succeeding year; provided, however, that if not renewed the certificate shall become invalid for the purpose of this article on the first day of February.

Section 2. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective on the first day of the second calendar month after its approval by the Governor or its otherwise becoming law.

Approved May 11, 1971.

Time: 1:31 P.M.

Act No. 101

H. 51—Turnham, Grainger, Gloor, Merrill, Williams, Waggoner, Bank, Downing, Pruitt, McCorquodale, Mathews, Fite, Hill, Hearn, Grey (D), Agee, Cottingham, Drake, Culver, Lutz, Adwell, Lyons, Ellis, Headley, Weeks, Casey, Stubbs

AN ACT

To amend Section 787 of Title 51 of the Code of Alabama of 1940, as amended, so as to change certain definitions contained in the said Section 787.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 787 of Title 51 of the Code of Alabama of 1940, as amended, is hereby amended to read as follows:

Section 787. Definitions. The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context indicates a different meaning:

(a) The term "person" or the term "company" herein used interchangeably, includes any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(b) The term "department" means the department of revenue of the state of Alabama.

(c) The term "commissioner" means the commissioner of revenue of the state of Alabama.

(d) The term "wholesale sale" or "sale at wholesale" means any one of the following: a sale of tangible personal property by wholesaler to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale; a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, and the furnished container and label thereof; a sale of containers intended for one time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons; a sale of pallets intended for one time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons; a sale to a manufacturer or compounder, of crowns, caps, and tops intended for one time use employed and used upon the containers in which such manufacturer or compounder markets his products; a sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery

of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse; a sale of bagging and ties used in preparing cotton for market; a sale of commercial fish feed including concentrates, supplements, and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis; a sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in an act adopted at the Extraordinary Session of the Legislature of Alabama which convened on March 31, 1971, against any person engaging in the business of leasing or renting tangible personal property to others. The term "wholesale sale" or "sale at wholesale" shall also be deemed to include a purchase or withdrawal of parts or materials from stock by any person licensed under this article where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

(e) The term "sale at retail" or "retail sale" shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold, or prices at which sold, are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption and except property which enters into and becomes an ingredient or component part of tangible personal property or products manu-

factured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon. The term "retail sale" or "sale at retail" shall also mean and include the sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in an act adopted at the Extraordinary Session of the Legislature of Alabama which convened on March 31, 1971, regardless of whether such sale is to the person who theretofore leased or rented the said tangible personal property or to some other person.

(f) The word "business" as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

(g) The term "storage" means and includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

(h) The term "use" means and includes the exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

(i) The term "purchase" means acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

(j) The term "sales price" means the total amount for which tangible personal property is sold, including any services (including transportation) that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount

charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

(k) The term "in this state" or "in the state" means within the exterior limits of the state of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

(1) The term "automotive vehicle" shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

Section 2. This Act shall become effective on the first day of the second calendar month after its approval by the Governor or its otherwise becoming law.

Approved May 11, 1971.

Time: 1:32 P.M.

Act No. 102

H. 78—Drake

AN ACT

To amend Section 9 of Act No. 762 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore amended, so as to eliminate the limitation on the rate of interest that may be borne by bonds of a gas district organized under the said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 762 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore amended, is hereby amended to read as follows:

"Section 9. BONDS OF A DISTRICT, The Bonds of a district incorporated under this act shall be authorized by resolution of the board of directors of the district and may be issued in one or more series, may bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, or both, be executed in such manner, be payable in such medium of payment, at such place or places, be non-redeemable or subject to such terms of redemption, with or without premium, be subject to being declared or becoming due before the maturity date thereof, as such resolution or resolutions may provide. Said bonds may be issued for money or property, either at public or private sale, for such price or prices, as the board of directors shall determine. Such authorizing resolution shall provide for

the execution and delivery of bonds of the district by its officers therein designated. Coupons may be executed with the facsimile signature of any officer designated by the board of directors. Any bonds issued by the district may thereafter at any time (whether before, at or after maturity thereof) and from time to time be refunded by the issuance of refunding bonds, which may be sold by such district at public or private sale, at such price or prices as may be determined by its board of directors, or which may be exchanged for the bonds to be refunded, or which may be partly sold and partly exchanged. Any such refunding bonds may be issued at any time and from time to time as the board of directors may deem it advisable, whether or not the bonds to be refunded are then subject to redemption, and may be issued in a principal amount not exceeding the principal amount of the bonds to be refunded plus any premium necessary to redeem or retire such bonds, any interest (accrued or to accrue) on such bonds to the date of redemption or retirement thereof and any expenses estimated to be incurred in connection with such refunding, and if deemed advisable by the board of directors, bonds may be issued by any district incorporated under this act for the combined purpose of so refunding any outstanding bonds and of acquiring, constructing, providing, improving or extending any gas system or systems. The district may pay all expenses, premium and commissions which its board of directors may deem necessary or desirable in connection with any financing done by it. All bonds issued by such district shall be construed to be negotiable instruments although payable solely from a specified source, and bona fide holders of such bonds for value shall be entitled to all benefits provided by the negotiable instruments law of the State of Alabama. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds. Any bonds issued by it may be purchased by a district out of any funds available for such purchase but such right of purchase may be limited in the authorizing resolution. All bonds so purchased shall be cancelled."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:34 P.M.

AN ACT

To amend Code of Alabama 1940, Title 51, Sections 347, 348 and 350, as amended, which relates to the levying and distribution of a franchise tax on domestic and foreign corporations so as to increase the amount of said franchise tax from two and one-half dollars (\$2.50) to three dollars (\$3.00) per one thousand dollars (\$1,000.00) of capital stock, and provide for the distribution thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Code of Alabama 1940, Title 51, Section 347, is amended to read as follows:

“Section 347. Amount of levy on domestic corporations.—Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of three dollars (\$3.00) on each one thousand dollars (\$1,000.00) of its capital stock; provided, however, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25.00).

Section 2. The Code of Alabama 1940, Title 51, Section 348, as amended, is further amended to read as follows:

“Section 348. Amount of levy on foreign corporations.—Every corporation organized under the laws of any other state, nation or territory and doing business in this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of three dollars (\$3.00) on each one thousand dollars (\$1,000.00) of the actual amount of capital employed in this state, provided, however, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25.00). In ascertaining the annual franchise tax which will be paid by any foreign corporation doing business in this state under this section there shall be deducted from the amount of the capital employed by such corporation in this state the aggregate amount of loans of money made by such corporation in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law. Provided, that if a corporation has qualified to do business in this state it shall for the purpose of franchise tax prima facie be held to be doing business in the State of Alabama within the meaning of this title.”

Section 3. The Code of Alabama 1940, Title 51, Section 350, as amended, is further amended to read as follows:

“Section 350. Remittance of tax.—Remittance of the franchise tax required by the above sections shall be made to the

department of revenue, at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. Two twenty-fifths of the franchise tax collected shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion, upon certificate of the department of revenue. One-fifth of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for old age assistance purposes only; the remainder of said tax shall be paid by the department of revenue to the general fund."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:35 P.M.

Act No. 104

S. 15—Wilson

AN ACT

Relating to all counties having populations of not less than 55,000 nor more than 56,500 according to the most recent federal decennial census; providing an expense allowance for the circuit clerk of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census, the circuit clerk shall be entitled to an expense allowance of \$2,400 per annum. Such allowance, which shall be in addition to all other salary, compensation, expense allowances and other allowances of the circuit clerk, shall be paid in equal monthly installments from the general fund of any county to which this Act applies.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:36 P.M.

Act No. 105

H.J.R. 71—Therrell

HOUSE JOINT RESOLUTION

WHEREAS, the field of Sports is recognized throughout our great nation as a body and character builder, resulting in many desirable achievements, and

WHEREAS, Scott Hunter, a resident of Prichard, Alabama, a graduate of Vigor High School and the University of Alabama, has earned the love and respect of all who know him, and

WHEREAS, Scott Hunter has displayed outstanding talent and devotion in the field of sports while a member of the Vigor Wolves and the Alabama Crimson Tide, and

WHEREAS, Saturday, April 10, 1971 was proclaimed as Scott Hunter Day in the City of Prichard and Mobile County, and

WHEREAS, sports fans from far and wide gathered to pay tribute to Scott Hunter and the image he has created in the field of athletics,

NOW THEREFORE, BE IT RESOLVED that the Alabama State Legislature go on record expressing congratulations to Scott Hunter for his devotion to God, Country and fellowman and his outstanding dedication and achievements in the field of sports.

BE IT FURTHER RESOLVED that a copy of this resolution be spread in full on the records of the Alabama State Legislature and a suitable copy be presented to Scott Hunter.

Approved May 5, 1971.

Time: 10:13 A.M.

Act No. 106

H.J.R. 72—Hobbie, Harris, Jones (F),
Straiton, Taylor

HOUSE JOINT RESOLUTION

WHEREAS Mr. Hugh Ashurst, Sr. of Montgomery has passed away in a local hospital after an extended illness; and

WHEREAS Mr. Hugh Ashurst was one of the outstanding citizens of Montgomery having owned and operated Five Points Drug Company since 1936, as well as taking a very active role in the Alabama Pharmaceutical and Retail Drug Associations; and

WHEREAS he served as Chairman of the Selective Service Board for several years and was a member at his death. He

also held membership in the Chamber of Commerce, the Elks Club, the Exchange Club and the United Methodist Church; and

WHEREAS he is greatly mourned by the many citizens of this state and the members of the Alabama Legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this distinguished citizen and do pass this resolution as a memorial to the exemplary life of this outstanding man.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Clerk of the House to his widow and family.

Approved May 5, 1971.

Time: 10:14 A.M.

Act No. 107

H.J.R. 74—Collins

HOUSE JOINT RESOLUTION

WHEREAS the athletic prowess of countless native Alabamians who have been foremost in various fields has long been recognized; and

WHEREAS Hank Aaron, brilliant outfielder for the Atlanta Braves, became the third man in major league baseball history to reach the 600 home run mark for his career when he hit his eighth of this season on April 27th in a game against the San Francisco Giants; and

WHEREAS Willie Mays of the San Francisco Giants and the legendary Babe Ruth are the only two men who lead Hank Aaron's lifetime batting record, and Aaron is considered to have a good chance of catching Ruth's record of 714 homers; and

WHEREAS Aaron and Mays, both native Alabamians being born in Mobile and Fairfield, respectively, have played consistently outstanding baseball both in the field and at the plate throughout their long and exemplary careers; and

WHEREAS both of these outstanding men have not only brought much enjoyment to baseball fans throughout the country, but have also contributed through their individual efforts to many worthwhile endeavors; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

congratulate Hank Aaron and Willie Mays upon their outstanding achievements in baseball and assure them that we are proud to call them Alabamians.

RESOLVED FURTHER, That copies of this resolution be sent to the Associated Press, the United Press International and to Mr. Aaron and Mr. Mays.

Approved May 5, 1971.

Time: 10:15 A.M.

Act No. 108 H.J.R. 75—Stokes, Downing, Roberts, Nettles

HOUSE JOINT RESOLUTION

WHEREAS the National Railroad Passenger Corporation will begin operating train routes over the nation May 1, 1971; and

WHEREAS under this new system the L & N passenger train, "The Pan American" will be discontinued thus depriving Mobile of all passenger service; and

WHEREAS Mobile was originally scheduled to be serviced by one of these trains which has since been rescheduled to exclude this entire area. In effect this action will abolish all passenger service in Mobile and the entire Gulf-Coast area; and

WHEREAS the Legislature of Alabama would like to call the chairman of the board of Railpax's attention to the conditions created by this rescheduling; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body goes on record as requesting the chairman of Railpax to include a passenger train from New Orleans via the Gulf Coast, Mobile and Montgomery to Atlanta.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Secretary of the Senate to the President of the United States, the Secretary of Transportation, the members of the Alabama Congressional delegation, and the chairman of the board of Railpax.

Approved May 5, 1971.

Time: 10:15 A.M.

Act No. 109

S. 26—Cooper

AN ACT

To prohibit the consumption of alcoholic beverages on the premises of retail licensees in Wilcox County unless the premises have been issued a restaurant, hotel or club liquor license by the Alcoholic Beverage Control Board of the State of Alabama; and prescribing penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to consume alcoholic beverages on the premises of any retail licensee in Wilcox County unless such premises shall have been issued a restaurant, hotel or club liquor license by the Alcoholic Beverage Control Board of the State of Alabama.

Section 2. Any person, firm or corporation who violates any provision of this Act shall be guilty of a misdemeanor and upon a conviction shall be punished as prescribed by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of the first month immediately after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:37 P.M.

Act No. 110

S. 27—Cooper

AN ACT

Levying a privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the Court of County Commissioners, or like governing body of Wilcox County; defining violations of the Act and prescribing penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied a privilege or license tax on all persons, firms and corporations, selling, distributing or delivering to retailers in Wilcox County, any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount

equal to Three Cents (\$.03) on each twelve (12) fluid ounces or fractional part thereof, sold or distributed within the County, including within all municipalities located within the County.

Section 2. The privilege or license tax levied by this Act shall be collected by or under the supervision of the Court of County Commissioners, or like governing body of Wilcox County. The Court of County Commissioners, or like governing body may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license tax levied by this Act, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expense of compliance with such rules and regulations. The Court of County Commissioners, or like governing body, may employ such personnel as may be needed to collect and enforce the tax and shall fix their compensation and tenure.

Section 3. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be promulgated by the Court of County Commissioners, or like governing body, of Wilcox County, shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense. Any person, firm or corporation who fails to pay the tax herein levied within the time prescribed by such rules and regulations shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 4. The license tax levied by this Act shall be paid to the Judge of Probate of said County and the Judge of Probate, after first reimbursing the County General Fund for all expenses incurred in the administration and enforcement of this Act shall, between the first and fifteenth day of each month, distribute the remainder of the proceeds of said tax in the following manner: Fifty percent (50%) to be prorated between the municipalities of Pine Hill, Camden, Oak Hill and Pineapple upon the basis of their respective populations according to the last Federal census; and Fifty percent (50%) to be paid over to the General Fund of the County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective on the first day of the first month immediately after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:38 P.M.

Act No. 111

S. 49—Hammond

AN ACT

To prohibit commercial fishing in counties having populations of not less than 15,400 nor more than 15,625, except by residents and/or voters of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,400 nor more than 15,625 according to the most recent federal decennial census, it shall be unlawful for any person to fish commercially with gear, including nets, unless such person votes and/or has resided in the county for a period of not less than twelve months.

Section 2. Persons qualifying under the provisions of this act to commercially fish may do so only under the provisions of existing laws and regulations of the Department of Conservation governing such activities and after the purchase of the required license.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 4. Any person violating the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than three hundred dollars for each offense.

Approved May 11, 1971.

Time: 1:40 P.M.

Act No. 112

S. 51—Foshee

AN ACT

Relating to Crenshaw County; providing for the election of members of the Crenshaw County Commission by the voters of the county at large; providing for the terms of office of the members of the Crenshaw

County Commission; prescribing the districts for which the members shall be elected; and providing for the compensation and expenses of the members.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Crenshaw County Commission of Crenshaw County shall be elected by the qualified voters of said county, at large, in a county-wide election. There shall be a member elected to represent each of the four districts herein described, and such member shall, at the time of his election, appointment or otherwise becoming a member, and so long as he holds office as a member of the Crenshaw County Commission, be a resident and qualified elector of the district he represents.

Section 2. The members of the Crenshaw County Commission who have previously been elected to represent and who are representing, upon the effective date of this Act, districts numbered one and three as constituted prior to the effective date of this Act, shall, if they reside therein, continue to represent districts numbered one and three as described in this Act and the terms of such members are hereby extended and shall not expire until the first Monday after the second Tuesday, in January, 1975. The members of the Crenshaw County Commission, elected at the general election in 1970, to represent districts numbered two and four as constituted prior to the effective date of this act, shall, if they reside therein, represent districts numbered two and four as described in this Act and the terms of such members shall expire on the first Monday after the second Tuesday in January, 1975. Each member shall be elected for and serve a four year term thereafter.

Section 3. Crenshaw County is hereby divided into four commissioners districts as follows:

District 1. Beginning at the Northwest corner of Section 6, Township 12 North, Range 17 East, Crenshaw County, Alabama, (which is the point where Crenshaw, Lowndes and Montgomery Counties join) and running East, thence South, and thence East along the boundary between Crenshaw and Montgomery Counties to Patsaliga Creek, thence running in a Southerly direction along said Patsaliga Creek which is the boundary between Pike and Crenshaw Counties to the confluence of Patsaliga and Blue Creeks, thence running along Blue Creek in a Northwesterly direction to an intersection with the South boundary line (Section Line) of Section 2, Township 10 North, Range 18 East, thence running West along section lines to an intersection of the South line of Section 5, Township 10 North, Range 17 East, with Little Patsaliga Creek, thence running in a Northwesterly direction along Little Patsaliga Creek to its intersection with the North boundary line (section Line) of Sec-

tion 5, Township 10 North, Range 17 East, thence running West along the North boundary of Township 10 North to its intersection with the East boundary of Butler County, thence running North along the boundary line between Butler and Crenshaw Counties to its intersection with the South Boundary line of Lowndes County, thence running East and then North along the boundary line between Lowndes and Crenshaw Counties to the Northwest corner of Section 6, Township 12 North, Range 17 East, the point of beginning. Said District No. 1 containing 146.7 square miles, more or less.

District 2. Beginning at the Northwest corner of Section 3, Township 10 North, Range 16 East, Crenshaw County, Alabama, which is the Southwest corner of District No. 1 described above and running Easterly and Southerly along the South boundary line of District No. 1 described above to the confluence of Patsaliga and Blue Creeks which is on the West boundary of Pike County, Alabama, thence running in a Southwesterly direction along Patsaliga Creek to its intersection with the East boundary of Section 25, Township 10 North, Range 18 East, which is the boundary line between Pike and Crenshaw Counties, thence running South and East along the boundary line between Pike and Crenshaw Counties to the Southeast corner of Section 28, Township 9 North, Range 19 East, thence running west along Section lines to the Southwest corner of Section 26, Township 9 North, Range 18 East, thence running North along the West line of said Section 26, to its intersection with Mill Creek, thence running in a Northwesterly direction along Mill Creek to the confluence of Patsaliga and Mill Creeks, thence running in a Northerly direction along Patsaliga Creek to an intersection with the South boundary of Section 2, Township 9 North, Range 18 East, thence running West along Section lines to the Southwest corner of Section 3, Township 9 North, Range 18 East, thence running North along the Section line to the Southeast corner of Section 33, Township 10 North, Range 18 East, thence running West along Section lines to the intersection of the South line of Section 36, Township 10 North, Range 17 East, with the centerline of U. S. Highway #331; thence running in a Southeasterly direction along the centerline of U.S. Highway #331 to an intersection with the centerline of Alabama Highway 10, thence running in a Northwesterly direction along the centerline of Alabama Highway 10 to the Butler County Line, thence running North along the boundary line between Butler and Crenshaw Counties to the Northwest corner of Section 3, Township 10 North, Range 16 East, the point of beginning. Said District No. 2 containing 136.8 square miles, more or less.

District 3. Beginning at the intersection of the centerline of Alabama Highway #10 and the East boundary of Butler

County, which is the Southwest corner of District No. 2 described above and running Easterly along the South boundary of District No. 2 described above to its intersection with the Western boundary of Pike County at the Southeast corner of Section 28, Township 9 North, Range 19 East; thence running South along the boundary line between Pike and Crenshaw Counties to its intersection with the South boundary of Section 32, Township 8 North, Range 19 East; thence running West along Section lines (the South boundary line of Township 8 North) to an intersection with Patsaliga Creek, thence running in a Southwesterly direction along Patsaliga Creek to an intersection with the North boundary of Covington County; thence running West along the boundary line between Covington and Crenshaw Counties to an intersection with the East boundary of Butler County, thence running in a Northerly direction along the boundary line between Butler and Crenshaw Counties to its intersection with the centerline of Alabama Highway #10, the point of beginning. Said District No. 3 containing 165.4 square miles, more or less.

District 4. Beginning at the intersection of Patsaliga Creek and the North boundary of Covington County and running Northeasterly and then East along the South boundary line of District No. 3 described above to its intersection with the Southwest corner of Pike County, thence East along the boundary line between Pike and Crenshaw Counties to its intersection with the West boundary of Coffee County, thence running South along the boundary line between Coffee and Crenshaw Counties to its intersection with the North boundary of Covington County; thence running along the boundary line between Covington and Crenshaw Counties to its intersection with Patsaliga Creek, the point of beginning. Said District No. 4 containing 148.4 square miles, more or less.

Section 4. Each member of the Crenshaw County Commission shall be paid by the county treasurer out of the gasoline excise fund for their services and traveling expenses in inspecting the work of maintenance, upkeep and repairing the public roads and bridges of Crenshaw County, or for their services in supervising such work on said roads and bridges, the sum of \$500 per month as a salary and \$150 per month for mileage and cost of transportation in performing such services. Said salary and traveling expenses to be paid by warrants drawn on the county treasurer on order of the Crenshaw County Commission.

Section 5. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective as to all of its provisions and as to all members of the Crenshaw County Commission of Crenshaw County, immediately after the expiration of the term or terms of office of the member or members whose term first expires.

Approved May 11, 1971.

Time: 1:41 P.M.

Act No. 113

S. 54—Wilson

AN ACT

To provide for the position of deputy coroner in counties having a population of not less than 55,500 nor more than 56,500, according to the last federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 55,500 nor more than 56,500, according to the last federal decennial census, there is hereby created the position of deputy coroner who shall be appointed by the regular coroner and who shall serve without salary or expense allowance. He shall act only in the absence of the regular coroner or at the request of the regular coroner and his actions shall have the same weight and effect as the regular coroner.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:43 P.M.

Act No. 114

S. 60—Carr

AN ACT

Relating to Marshall County; to provide for the compensation of the Judge of the County Court of Marshall County, Alabama, and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of the County Court of Marshall County, Alabama, shall receive a salary of twelve thousand

dollars (\$12,000.00) per year, to be paid in equal monthly installments from the general funds of Marshall County.

Section 2. All general, local or special laws, or parts of such laws, which conflict with this Act are hereby repealed.

Section 3. If any clause, sentence, paragraph or section of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, unconstitutional or otherwise unlawful, such judgment shall not affect, impair or invalidate any other portion of this Act, but shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall be granted.

Section 4. This Act shall become effective immediately upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:44 P.M.

Act No. 115

S. 69—Hammond

AN ACT

Relating to all counties having populations of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; providing for the payment of two hundred forty dollars additional compensation per annum to each school bus driver of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Each regular school bus driver of any county having a population of not less than 38,100 nor more than 40,500 according to the most recent federal census shall be entitled to additional compensation payable at the rate of two hundred forty dollars over and above any and all compensation they are now receiving, to be paid in the same installments as their compensation is now paid.

Section 2. Any Superintendent or Board of Education employing regular school bus drivers in said counties is hereby authorized and directed to pay said increase out of education funds of said counties.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:45 P.M.

Act No. 116

S. 73—Malone

AN ACT

To amend the title and Section 1 of Act No. 318, H. 759, Regular Session 1965 (Acts 1965 Regular Session, p. 438), which regulates commercial fishing by prohibiting the use of certain type nets in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 318, H. 759, Regular Session 1965 (Acts 1965 Regular Session, p. 438), is hereby amended to read as follows:

“Further regulating commercial fishing in public waters in all counties having populations of not less than 90,000 nor more than 100,000, so as to prohibit the use of gill or trammel nets or hoop or fyke nets in commercial fishing operations in such counties.”

Section 2. Section 1 of said Act No. 318, H. 759, is hereby amended to read as follows:

“**Section 1.** Any person engaged in the taking, killing or capturing of commercial or non-game fish from the public impounded waters and navigable streams of any county having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census, may use in such commercial fishing operations such setlines, trotlines, snaglines, and fish traps as may be in conformity with the rules and regulations promulgated by the director of conservation covering the same, who shall designate when, where and how same shall be used, provided that prior to using any of said traps or other commercial fishing devices, as herein specified, the person shall have first secured a license permitting the use of such fishing gear, such license to be issued in the manner prescribed by Act No. 784, H. 316, Regular Session 1953. However, no person shall be licensed to use in such fishing operations any trammel net, gill net, or hoop or fyke net, and the use of such nets in such county is hereby prohibited.”

Section 3. This Act shall become effective September 1, 1971.

Approved May 11, 1971.

Time: 1:46 P.M.

Act No. 117

S. 82—Hammond

AN ACT

Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the type of newspapers designated in Section 713 of Title 7, Code of Alabama of 1940, as last amended, in which publication of certain notices may be published, in counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in such county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:48 P.M.

Act No. 118

H. 2—Gray, Thomas, Reed

AN ACT

To fix the compensation of deputy district attorneys, deputy solicitor, or county solicitor, of counties having populations of not less than 11,500 nor more than 12,500, and providing for payment thereof from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 11,500 nor more than 12,500, according to the most recent federal decennial census, the salary of the deputy district attorney, deputy solicitor, or county solicitor in such county shall be \$3,600.00 per year, payable from the general funds of the county in equal monthly installments.

Section 2. All laws, general, local or special, or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:49 P.M.

Act No. 119

H. 15—Fite

AN ACT

To amend Section 2 of Act No. 57 of the Alabama Legislature, approved August 12, 1959 (Acts of Alabama, 1959 Second Special Session, pages 224 et seq.) entitled, "An Act to authorize any county board of education and any city board of education to issue and sell interest bearing tax anticipation warrants for school purposes; to provide that such warrants shall not be general obligations of the issuing board of education but shall be payable, as to both principal and interest, solely out of the proceeds of any ad valorem tax voted under the constitution for the purpose of pay such warrants, or for school purposes generally, and paid, allocated or apportioned to or for the benefit of the board of education issuing such warrants or out of the proceeds of any privilege, license or excise tax or taxes paid, allocated or apportioned to or for the benefit of the board of education issuing such warrants; to require the pledge of the tax proceeds out of which such warrants are payable for the benefit of such warrants; to specify the effect and priority of each such pledge; to place certain limits on the principal amount of warrant payable out of an ad valorem tax that may be issued hereunder; to require public sale of any warrants issued hereunder; to authorize refunding of any such warrants; to require the approval of the state superintendent of education for the issuance of any such warrants and to specify the effect of any such approval; to provide that such warrants shall be legal investments for executors, administrators, trustees and other fiduciaries; to provide that such warrants and interest coupons applicable thereto, and any income derived therefrom, shall forever be exempt from any state, county, municipal and other taxation under the laws of the State of Alabama; to repeal Act No. 601 adopted at the 1949 Regular Session of the Legislature of Alabama and to provide that except for such repeal, the provisions of this act shall not restrict, bridge or revoke any powers which any board of education had prior to the adoption of this act and that all county and city boards of education shall continue to have all powers granted them by Article 4 of Chapter 10 of Title 52 of the Code of Alabama of 1940, as amended".

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 57 of the Alabama Legislature, approved August 12, 1959 (Acts of Alabama, 1959 Second Special Session, pages 224 et seq.) entitled, "An Act to authorize any county board of education and any city board of education to issue and sell interest bearing tax anticipation warrants for school purposes; to provide that such warrants shall not be general obligations of the issuing board of education but shall be payable, as to both principal and interest,

solely out of the proceeds of any ad valorem tax voted under the constitution for the purpose of paying such warrants, or for school purposes generally, and paid, allocated or apportioned to or for the benefit of the board of education issuing such warrants or out of the proceeds of any privilege, license or excise tax or taxes paid, allocated or apportioned to or for the benefit of the board of education issuing such warrants; to require the pledge of the tax proceeds out of which such warrants are payable for the benefit of such warrants; to specify the effect and priority of each such pledge; to place certain limits on the principal amount of warrants payable out of an ad valorem tax that may be issued hereunder; to require public sale of any warrants issued hereunder; to authorize refunding of any such warrants; to require the approval of the state superintendent of education for the issuance of any such warrants and to specify the effect of any such approval; to provide that such warrants shall be legal investments for executors, administrators, trustees and other fiduciaries; to provide that such warrants and interest coupons applicable thereto, and any income derived therefrom, shall forever be exempt from any state, county, municipal and other taxation under the laws of the State of Alabama; to repeal Act No. 601 adopted at the 1949 Regular Session of the Legislature of Alabama and to provide that except for such repeal the provisions of this act shall not restrict, abridge or revoke any powers which any board of education had prior to the adoption of this act and that all county and city boards of education shall continue to have all powers granted them by Article 4 of Chapter 10 of Title 52 of the Code of Alabama of 1940, as amended" shall be and the same hereby is amended to read as follows:

"Section 2. Warrants issued pursuant to the provisions of this act may bear such rate or rates of interest, not exceeding eight percentum per annum, payable semiannually (provided that the first interest payment date may be at any time not later than nine months after the date of such warrants, may be in such denomination or denominations, may have such maturity or maturities not exceeding thirty years from their date, may be made redeemable prior to maturity at the option of the issuing board of education at such redemption price or prices and on such terms and conditions, may be payable at such place or places within or without this state, may be executed in such manner and may contain such terms and details not in conflict with the provisions of this act, all as the board of education issuing such warrants may provide in the proceedings wherein such warrants are authorized to be issued. All warrants issued pursuant to the provisions of this act shall be sold in the manner required by the provisions of Section 223 of Title 52 of the Code of Alabama of 1940, as amended, for the sale

of capital outlay warrants, provided that the notice of public sale with respect to the sale of warrants issued hereunder that are not payable out of the proceeds of a county or district ad valorem tax shall, in lieu of stating whether a county or district tax is to be pledged therefor, briefly describe the tax to be pledged for payment of such warrants. No warrants issued pursuant to the provisions of this act may be sold for less than ninety-five percentum of their face value plus accrued interest on such warrants from their date to the date of their delivery, nor shall any warrants issued pursuant to the provisions of this act be sold at a price which would yield more than eight per cent according to standard bond tables taking into account any premium or discount reflected in the sale price. The principal proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they were authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof."

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 11, 1971.

Time: 1:50 P.M.

Act No. 120

H. 16—Fite

AN ACT

To amend Section 1 of Act No. 528 of the Alabama Legislature, approved September 8, 1953 (Acts of Alabama, 1953 Regular Session, pages 735, et seq.) entitled "An Act to authorize the County Board of Education of a county, or the City Board of Education of any city in such county, in which a special license or privilege or excise tax is levied by any local act of the legislature, to sell and issue interest-bearing warrants payable solely out of the proceeds from any such tax that may be apportioned to any such board of education; to require any such board to pledge for the benefit of such warrants any such tax proceeds that may be so apportioned to it and out of the proceeds of which such warrants may be made payable, and to specify the priority and effect of such pledge; and to require the approval of the state superintendent of education to the issuance of such warrants and to specify the effect of such approval".

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 528 of the Alabama Legislature, approved September 8, 1953 (Acts of Alabama, 1953 Regular Session, pages 735, et seq.) entitled "An Act to authorize the County Board of Education of a county, or the City Board of Education of any city in such county, in which

a special license or privilege or excise tax is levied by any local act of the legislature, to sell and issue interest-bearing warrants payable solely out of the proceeds from any such tax that may be apportioned to any such board of education; to require any such board to pledge for the benefit of such warrants any such tax proceeds that may be so apportioned to it and out of the proceeds of which such warrants may be made payable, and to specify the priority and effect of such pledge; and to require the approval of the state superintendent of education to the issuance of such warrants and to specify the effect of such approval" shall be and the same hereby is amended to read as follows:

"Section 1. In any county in which a special license or privilege tax or excise tax may now or hereafter be levied by local act of the Legislature of Alabama, the County Board of Education of the county or the City Board of Education of any city in the county, as the case may be, may sell and issue interest bearing warrants the principal of and the interest on which shall be payable solely from that portion of the proceeds from such tax which may be apportioned and paid to such board of education. Any such warrants may bear such rate or rates of interest not exceeding eight per centum per annum, payable semi-annually, may be in such denomination or denominations may mature over such period of time not exceeding thirty years after their date, may be sold at public or private sale at such price or prices, may be made redeemable prior to maturity at the option of the issuing board at such redemption price or prices and on such conditions, may be made payable within or without the state, and may contain such details, all as the board of education issuing such warrants may provide in the proceedings wherein the warrants are authorized to be issued. The board of education issuing such warrants shall secure the payment of the principal thereof, and interest thereon by a pledge of the tax proceeds so apportioned, out of which such warrants are made payable, and if more than one such pledge shall be made with respect to the proceeds from the same tax then such pledges shall take precedence in the order in which they are made. Said warrants shall not be general obligations of the issuing board of education but shall be payable solely from the limited source herein specified. Said warrants shall be preferred claims against the tax proceeds so apportioned and out of which they are made payable, and shall have preference over claims for salaries or other operating expenses or any other purpose. The proceeds from the sale of any such warrants shall be used by the board of education issuing such warrants for the purpose or purposes for which the tax proceeds so apportioned to such board of education are permitted by any such local act to be used. Each such board of education

may in like manner from time to time sell and issue refunding warrants for the purpose of refunding a like or greater principal amount of warrants then outstanding which were issued under the provisions of this act and the interest accrued thereon and any premium necessary to be paid thereon. The provisions of this act applicable to the original issue of warrants so refunded shall likewise be applicable to any such refunding warrants except that the proceeds from the sale of such refunding warrants shall be used only to retire the warrants refunded thereby."

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 11, 1971.

Time: 1:51 P.M.

Act No. 121

H. 22—Mathews

AN ACT

Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which fee shall be collected by the sheriff and deposited in the treasury of such county. Four-fifths of each fee collected shall be credited to a special fund or account in the county treasury and may be drawn on and used in the sole discretion of the sheriff for the purchase of equipment, materials and supplies, and for payment of compensation of additional personnel when and as needed in the sheriff's department, and the remainder of each fee so collected shall be paid into the general fund of the county and may be used for general fund purposes.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:52 P.M.

Act No. 122

H. 24—Mathews

AN ACT

To amend further Act No. 68, H. 92, First Special Session 1956, an act fixing the compensation of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 68, H. 92, First Special Session 1956, an act fixing the compensation of members of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not more than 10,900, according to the most recent federal decennial census (Acts 1956, p. 101), as amended, is further amended to read as follows:

“Section 1. The members of the court of county commissioners, board of revenue, or like governing body of any county having a population of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census shall each be entitled to such annual salary, not exceeding \$9,000 per annum, as may be prescribed by the court or board, by ordinance or resolution duly enacted or adopted. The salary herein provided for shall be the entire compensation of each member for the performance of his official duties.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:53 P.M.

Act No. 123

H. 25—Mathews

AN ACT

Relating to counties having a population of not less than 10,660 nor more than 10,900; to provide for the employment of deputy sheriffs in such counties and to set their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 10,660 nor more than 10,900 the county governing body shall employ and fix the salaries of a deputy sheriff force who shall be chosen by the sheriff, to consist of not less than one chief deputy, whose salary shall be established at not more than \$550 per month and at least one additional deputy whose salary shall be established at not more than \$500 per month. Such salaries shall be paid out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:54 P.M.

Act No. 124

H. 26—Mathews

AN ACT

Relating to counties having populations of not less than 12,000 nor more than 12,800, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 12,000 nor more than 12,800, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which fee shall be collected by the sheriff and deposited in the county treasury. Four-fifths of each fee collected shall be credited to a special fund or account in the county treasury and may be drawn on and used in the sole discretion of the sheriff for the purchase of equipment, materials and supplies, and for payment of compensation of additional personnel when and as needed in the sheriff's department, and the remainder of each fee so collected shall be paid into the general fund of the county and may be used for general fund purposes.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:55 P.M.

Act No. 125 H. 40—Wallace, Burgess, Merrill, Grainger, Gray, Bowers, Dill, Erdreich, Stubbs, Carnes, Falkenburg, Adwell, Collins, Hobbie, Culver, Doss, Grey, Snell, Ellis, Manley, McCluskey, Crowe, Waldrop, May, Smith (K), Robertson, Parker (H), Flipppo, Timmons, Jones (E), Turner, Lang, Owens, Crawford, Meeks, Hearn, Coshatt, Waggoner, Williams, Turnham, Brassell, Fite, McDonald, Cottingham, Adams, Warren, Boles, Boutwell, Mims, O'Daniel, Bassett, Weeks, Drake, Downing, Bank, Nettles, Jones (F), Perloff, Therrell, St. John, Cauthen, Callahan, Gafford, Smith (P), Baker, Stokes, Cherner, Edwards, Casey, Wynot, Stewart, Hill, Goodwin, Barkett, Parker (T), Slate, Jackson, Headley, Reed, Benton, Taylor, Kinsey, Connell, Reid, Agee, King, Lutz, Hardin, Naramore, McBride, Carter, Cross, Harris

AN ACT

To amend Code of Alabama 1940, Title 51, Section 15 relating to the exemption of homesteads from state ad valorem taxes, so as to provide additional exemptions for persons over sixty-five years of age.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 15 relating to homestead exemptions is amended to read as follows:

“Section 15. Homesteads, as defined by the constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed two thousand dollars in assessed value, nor one hundred sixty acres in area for any resident of this state who is not over sixty-five years of age. For residents of this state, over sixty-five years of age, the said exemption shall not

exceed five thousand dollars in assessed value, nor one hundred sixty acres in area.”

Section 2. The provisions of this act shall become effective for the tax year beginning October 1, 1971, and for each subsequent year.

Approved May 11, 1971.

Time: 1:56 P.M.

Act No. 126

H. 58—Downing, Wood, Callahan, Nettles,
Stokes, Roberts, Lyons

AN ACT

To provide for the assessment, collection, amount and use of additional taxes as court costs in all cases docketed in the Circuit Court in the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In each civil action at law, suits in equity, criminal case, or any other proceeding which has originated or may hereafter originate in the circuit court of the Thirteenth Judicial Circuit, there shall be taxed as costs the sum of \$2.00 which shall be in addition to all other court costs.

Section 2. All such additional costs as provided herein shall be collected by the Clerk or Register in the same manner as other court costs are collected by said Clerk or Register, and shall be paid into the county treasury and deposited and kept in a special fund to be known as the “Court Administration Fund”. Such fund shall be expended by the Presiding Judge of the Thirteenth Judicial Circuit to promote the administration of justice in said Circuit.

Section 3. The Presiding Judge of the Thirteenth Judicial Circuit is hereby authorized to requisition expenditures from the Court Administration Fund for the more effective administration of justice, including but not limited to paying the costs of securing the advice and attendance of witnesses; registration fees and other actual expenses incurred in attending seminars, institutes, conferences and other meetings in connection with continuing legal and judicial education; membership fees or dues in legal and judicial organizations; and such other actual and necessary expenses incurred by the Judges of said Court in maintaining and promoting legal and judicial competency and proficiency.

Section 4. On the first Monday after the first Tuesday in January of each year the Presiding Judge shall transfer to the

County General Fund one-half of all funds then remaining in the Court Administration Fund hereby created.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective on the first day of the first month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:58 P.M.

Act No. 127

H. 66—Stubbs

AN ACT

To establish in the Eighteenth Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Judge of the said Eighteenth Judicial Circuit, Place Number two; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Shelby County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That in the Eighteenth Judicial Circuit of Alabama (composed of Clay, Coosa and Shelby Counties) there is hereby established the office of Clerk-Secretary to the Circuit Judge of the Eighteenth Judicial Circuit, Place number two.

Section 2. The Circuit Judge of the Eighteenth Judicial Circuit, Place number two, if a bona fide resident citizen of Shelby County, Alabama, and maintains an office in the Shelby County Courthouse at Columbiana, Alabama, may appoint a Clerk-Secretary, who shall serve at the pleasure of the said Circuit Judge of the Eighteenth Judicial Circuit, Place Number two and who may be removed from office at any time by the said Circuit Judge.

Section 3. The said Clerk-Secretary shall do all of the clerical and secretarial work required by the Circuit Judge of said Eighteenth Judicial Circuit, Place Number two, and shall keep such records and perform such other duties pertaining to the office of the said Circuit Judge, as such Clerk-Secretary shall be instructed or required to do by the said Circuit Judge of said Eighteenth Judicial Circuit, Place Number two.

Section 4. The said Clerk-Secretary to the Circuit Judge of the Eighteenth Judicial Circuit, Place Number two, shall receive a salary at the discretion of the said Circuit Judge of not less than \$2,400.00 and not more than \$3,600.00 per annum, to be paid in equal monthly installments out of the Shelby County Treasury in the manner prescribed by law.

Section 5. That in the event the official court reporter serving in that capacity for the Circuit Judge of the Eighteenth Judicial Circuit, Place Number two, is appointed and acts as said Clerk-Secretary for said Circuit Judge in addition to said court reporters other official duties, then said court reporter and said Clerk-Secretary shall be entitled to the compensation or pay herein provided for said Clerk-Secretary in addition to all other salaries and supplements otherwise provided now and hereafter by law for said official court reporter.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or on its otherwise becoming a law.

Approved May 11, 1971.

Time: 1:59 P.M.

Act No. 128 H. 71—Parker (Tuscaloosa), Robertson, Bank,
Culver

AN ACT

Relating to judicial procedure in the Sixth Judicial Circuit of Alabama; regulating and providing further for the separation of the jury by consent in felony cases in such Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. If the accused and his counsel and also the prosecuting attorney in the Sixth Judicial Circuit of Alabama in any prosecution for felony, whether capital or non-capital, consent thereto in open court, the trial Court in its discretion may permit the jury trying the case to separate after the said jury has been selected and during the trial and at any time prior to rendering its verdict. A separation so permitted shall not create a presumption of prejudice to the defendant or defendants on trial, but on the contrary it shall be *prima facie* presumed that the accused was not prejudiced by reason of such separation of the jury.

Section 2. It shall be improper for the trial court to ask the defendant, counsel for the defendant, or the prosecuting attorney in the hearing of the jury whether or not he or they

will consent to a separation of the jury during the trial thereof. It shall be improper for the defendant or counsel for the defendant or the prosecuting attorney to state to the trial court in the hearing of the jury that he or they consent to a separation of the jury during the trial.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:00 P.M.

Act No. 129 H. 72—Parker (Tuscaloosa), Robertson, Bank,
Culver

AN ACT

To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Sixth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by a jury is held before the Circuit Court of the Sixth Judicial Circuit of Alabama, any Circuit Judge of the Sixth Judicial Circuit of Alabama is authorized to excuse from service any prospective juror outside the presence of the defendant or defendants provided said juror has a legal excuse for being excused, and it shall be within the discretion of the said Circuit Judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by law.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:01 P.M.

Act No. 130 H. 73—Parker (Tuscaloosa), Robertson, Bank,
Culver

AN ACT

To abolish the drawing of a special venire in capital cases in the Sixth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. No special venire shall be ordered or drawn for the trial or trials of a defendant or defendants in capital felonies in the Sixth Judicial Circuit of Alabama, but a defendant or defendants in capital felony cases shall be entitled to strike from a list of not less than forty competent jurors obtained from the regular jurors serving in the Court. Not less than one hundred jurors shall be summoned for service during any week in which a capital case is set for trial.

Section 2. The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:02 P.M.

Act No. 131

H. 75—Snell

AN ACT

To amend further Code of Alabama 1940, Title 7, Section 713, as last amended, in relation to newspaper publication of legal advertisements.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 713, Title 7, Code of Alabama 1940, as last amended, is amended further to read as follows:

“Section 713. The party in interest, or at whose instance the publication of notice is to be given by advertisement in a newspaper, may designate the newspaper in which such advertisement shall be made. If the officer charged with the duty of making the advertisement disregards such designation; and makes advertisement in some other paper, he must pay the cost thereof, and shall not be entitled to reimbursement; but

all publications required by any law or mortgage or other contract to be published in a newspaper must be printed in whole or in part and published in the county in which the advertisement is published and must be published in a newspaper printed in the English language which has a general circulation in the county in which it is published, which newspaper shall have been mailed under the second class mailing privilege of the United States post office department from the post office where it is published for fifty-two consecutive weeks. Provided, that if there is no newspaper printing plant in the county where the advertisement is published, the printing may be done in another county in the state of Alabama. Provided, further, that in all counties having populations of not less than 50,000 nor more than 52,500, and in all counties having populations of not less than 39,500 nor more than 41,750 according to the most recent federal decennial census, the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in the county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county. In all counties having populations of not less than 45,500 nor more than 52,000, according to the most recent federal decennial census, the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in the county, regardless of where the paper is printed, and regardless of whether or not said newspaper is mailed under the second class mailing privilege of the United States post office department, provided the principal editorial office of the newspaper is located within the county. Provided, further, that in all counties having populations of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census, the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in the county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:03 P.M.

Act No. 132

H. 79—Smith (K)

AN ACT

To amend Section 545, Title 51, of the Code of Alabama 1940, so as to provide new license fees for lightning rod salesmen; requiring all lightning rod salesmen to register with the State Fire Marshall, and making it a misdemeanor for a lightning rod salesman to fail to notify the State Fire Marshall of a change of address.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 545, Title 51, Code of Alabama 1940, is amended to read as follows:

“Section 545. Each person selling or installing lightning rods who maintains his principal and permanent place of business within this state, \$7.50 to the state and \$2.50 to the county in which the principal place of business is located.

“Each person whose primary business is not the selling or installing of lightning rods or who does not maintain his principal and permanent place of business within this state, \$150.00 to the state and \$75.00 to the first county in which he does business and for each succeeding county in which he does business an additional license of \$50.00, to be divided \$37.50 to the state and \$12.50 to the county.

“Each person selling lightning rods in this state shall register with the State Fire Marshall and furnish his name and address and any other information requested by the Fire Marshall. Failure to notify the Fire Marshall of a change of address within 10 days from such change shall constitute a misdemeanor.”

Section 2. The provisions of this act shall become effective October 1, 1971.

Section 3. In the event any section, sentence, clause or provision of this act shall be declared invalid or unconstitutional by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this act, which shall continue to be in full force and effect.

Approved May 11, 1971.

Time: 2:04 P.M.

Act No. 133

H. 86—Edwards

AN ACT

Relating to counties having a population of not less than 12,700 nor more than 13,100 according to the last federal decennial census; to authorize the employment by the county governing body of a chief clerk in the office of the judge of probate and to provide for the compensation of said clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 12,700 nor more than 13,100 according to the last federal decennial census, the county governing body is hereby authorized to employ, and must employ, one person as a chief clerk, who shall be appointed by the probate judge of said county, to perform clerical services for the probate judge in his office, and said county governing body is authorized and directed to pay said chief clerk so employed, the sum of not less than \$300 nor more than \$450 per month out of the county treasury, the exact amount to be set by the Probate Judge.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:05 P.M.

Act No. 134

H. 87—Edwards

AN ACT

Relating to counties having a population of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census; providing expense allowances for the chairman or presiding judge and members of the court of county commissioners, board of revenue, or other like governing body of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census the court of county commissioners, board of revenue, or other like governing body of the county may provide an expense allowance for the chairman or presiding judge and the members of the court of county commissioners, board of revenue, or other like governing body provided the amount thereof shall not exceed \$200 per month. This expense allowance shall be in addition to any and all other expense allowances provided them and shall be for the expenses they incur in carrying out their duties in connection with the roads and bridges of the counties. Provided however, that this expense allowance may be paid out of either the gasoline funds, road and bridge funds, or the general funds of the county.

Section 2. In addition to the expense allowance provided in Section 1 hereof, the members of the county governing body

and the presiding judge or chairman thereof shall be entitled to their reasonable, necessary and actual expenses incurred in attending State and National conventions of county officials when duly authorized by resolution of the court or board.

Section 3. This Act shall become effective on the first day of the month immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:06 P.M.

Act No. 135

H. 93—Slate, Cauthen, Carter, Cross
AN ACT

Relating to judicial procedure in the Eighth Judicial Circuit; regulating and providing further for the separation of the jury by consent in felony cases in such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. If the accused and his counsel and also the prosecuting attorney, in the Eighth Judicial Circuit of Alabama, in any prosecution for felony, whether capital or non-capital consent thereto in open court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not. A separation so permitted shall not create a presumption of prejudice to the accused, but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury.

Section 2. It shall be improper for the trial court to ask the accused, counsel for the accused or the prosecuting attorney in the presence and hearing of the jury whether or not he or they will consent to a separation of the jury pending the trial. It shall be improper for the accused or counsel for the accused, or the prosecuting attorney to state to the trial court in the presence and hearing of the jury that he or they consent to a separation of the jury pending the trial.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:07 P.M.

Act No. 136

H. 94—Slate, Cauthen, Carter, Cross
AN ACT

To abolish the drawing of special venires in capital cases in the Eighth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. No special venire shall be ordered or drawn for the trial or trials of a defendant or defendants in capital felonies in the Circuit Court of the Eighth Judicial Circuit of Alabama, but a defendant or defendants in capital felony cases shall be entitled to strike from a list of not less than forty-eight (48) competent jurors obtained from the regular juries in court for the week. At least one hundred (100) names shall be drawn from the jury box for service during any week in which a capital case is set for trial.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:08 P.M.

Act No. 137

H. 95—Slate, Cauthen, Carter, Cross
AN ACT

To regulate further the excusing of persons from jury service in the Eighth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Be It Enacted by the Legislature of Alabama:

Section 1. Each judge in the Eighth Judicial Circuit of Alabama who excuses any person from jury service for a reasonable and proper cause pursuant to the Code of Alabama 1940, Title 30, Section 5, may in his discretion, direct such person so excused from jury service to serve at some later date to be determined by the Court. When the service of such juror is deferred to a later date his name will be entered on the jury list

of regular veniremen for the week as if he had been drawn from the jury box at the same time and place as the regular jurors who were duly drawn for said week in accord with the laws and statutes thereunto appertaining.

Section 2. There shall be no lawful objection to the listing of any such jurors whose services have been deferred to any list of veniremen regular or special, except for fraud.

Section 3. No juror who is excused pursuant to the provisions of this section shall be entitled to his mileage fee and per diem fee for the day on which he originally appears and is excused; and for his services for the subsequent week which he is required to serve he shall receive the same fees as if he were originally summoned to serve during that week.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:09 P.M.

Act No. 138

H. 99—Drake, St. John

AN ACT

To amend Section 6 of Act No. 163, approved March 30, 1965, an act creating the Cullman County Intermediate Court.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Section 6 of Act No. 163, H. 168, approved March 30, 1965 (Acts of Alabama, Special Session 1965, V. 1, p. 209) an act creating the Cullman County Intermediate Court, is hereby amended to read as follows:

“Section 6. **COSTS** (a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed, collected and paid in the same manner and according to the same regulations as apply in the circuit courts.

(b) All other costs of court shall be as follows: (1) in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00), the same as in justice courts, except that in lieu of justice of peace fees, the clerk shall charge a fee of five dollars for filing suit and all services in connection

therewith; (2) in every other civil action at law, the same as in circuit courts; (3) in each criminal case involving an offense of which justice courts have final jurisdiction, the same as in county courts, except that there shall be no solicitor fee or county court fee taxed, and (4) in every other criminal case, the same as in county courts, including fees as provided by Sections 86 and 89 (2) of Title 11, 1958 Code of Alabama, except that fees for cases provided for hereinunder Section 7 (b), the fees shall be as there stated."

SECTION 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:10 P.M.

Act No. 139

H. 100—Drake, St. John

AN ACT

To increase the amount of sick leave with pay allowed school bus drivers in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. School bus drivers who are regularly employed on a salary basis by the county board of education of Cullman County shall be entitled to receive sick leave of absence with pay not to exceed seven days in any one calendar year upon proof of incapacitating sickness or injury as evidenced by a doctor's certificate to that effect. If at the end of each calendar year, said school bus driver has not used all of the allowed seven days sick leave, he shall be entitled to one day's pay for each day he has not used.

Section 2. All laws or parts of laws which conflict with this Act are repealed. Act No. 453, S. 443, Regular Session 1963 (Act 1963 p. 986) is hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:11 P.M.

Act No. 140

H. 108—Wood, Downing, Callahan, Nettles,
Collins, Therrell, Lyons, Perloff,
Stokes

AN ACT

To provide that any city of the state having a population of more than 190,000 and less than 300,000 according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. Any city of the State having a population of more than 190,000 and less than 300,000 according to the most recent federal decennial census shall have authority, after notice as provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls and foundations when the same are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

Section 2. The term "appropriate city official" as used in this Act shall mean any city official or city employee designated by the mayor or other chief executive officer of a city coming under the provisions of this Act as the person to exercise the authority and perform the duties delegated by this Act to the "appropriate city official." Whenever the appropriate city official of such city shall find that any building, structure, part of building or structure, party wall or foundation situated in any such city is unsafe to the extent that it is a public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes notice by personally serving upon such person, firm, association or corporation a copy of said notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same, within a reasonable time set out in said notice, which time shall be not less than sixty days or suffer such building or structure to be demolished by such city and the cost thereof assessed against the property. In the event that such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding sentence, shall also be posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 3. Within the time specified in such notice, but not more than sixty days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the city governing body, together with his objections to the finding by the appropriate city official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of such city official until determination thereon is made by such governing body. Upon holding such hearing, which hearing shall be held not less than ten nor more than sixty days after such request, or in the event no hearing is timely requested, the governing body, after the expiration of sixty days from the date such notice is given, shall determine whether or not such building or structure is unsafe to the extent that it is a public nuisance. Notice of such meeting of the governing body, and that such determination will be made thereat, shall be published one time in a newspaper of general circulation in such city, not less than ten days prior thereto. In the event that it is determined by such governing body that such building or structure is unsafe to the extent that it is a public nuisance, the governing body shall order such building or structure to be demolished. Such demolition may be accomplished by such city by the use of its own forces, or it may provide by contract for such demolition. Such city shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body at such hearing may, within thirty days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the city clerk and said appeal shall be docketed in said court, and shall be a preferred case therein. The city clerk shall, upon receiving such notice, file with the Circuit Clerk a copy of the findings and determination of the governing body in proceedings, and trial shall be held without jury upon the determination of the governing body that such building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Upon demolition of such building or structure, the appropriate city official shall make report to the governing body of the cost thereof, and such governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building

or structure shall be used or applied against the cost of the demolition; and provided, further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The city clerk of such city shall give not less than fifteen days notice of the meeting at which the fixing of such costs are to be considered by publication in a newspaper of general circulation in such city of a notice that the governing body of such city at such meeting will consider the fixing of such costs thereat. The fixing of said costs by the governing body shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. The city clerk of the city shall mail a certified copy of the resolution by registered or certified mail to the person last assessing the property for taxes, and a certified copy of such resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of such resolution shall also be filed in the office of the Judge of Probate of the county in which such city is situated.

Section 5. The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the State, shall not operate to discharge, or in any manner affect the lien of such city for such assessment, but any redemptioner or purchaser at any sale by the State of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the State for the nonpayment of taxes, shall take the same subject to such assessment.

Section 6. Payment of any such assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in the provisions of Title 37, Section 557, Code of Alabama 1940, as the same has heretofore or may hereafter be amended, and upon the property owner's failure to pay such assessment the officer designated by the city to collect such assessments shall proceed to collect the assessment as provided in the provisions of Title 37, Section 558-569, Code of Alabama 1940.

Section 7. This Act shall be cumulative in its nature, and in

addition to any and all power and authority which any such city may have under any other law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the part that remains.

Section 9. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:12 P.M.

Act No. 141

H. 110—Agee, McCorquodale

AN ACT

Relating to counties having a population of not less than 16,000 nor more than 16,250; to provide for the employment of a chief deputy sheriff and other deputy sheriffs in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 16,000 nor more than 16,250 according to the most recent federal decennial census, the county governing body shall employ a chief deputy sheriff and such other deputy sheriffs as may be necessary, all of whom shall be chosen by the sheriff and whose salaries shall be established by the county governing body and paid out of the county treasury.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this Act shall be retroactive to March 1, 1970.

Approved May 11, 1971.

Time: 2:13 P.M.

Act No. 142

H. 123—Merrill, Stewart, Burgess

AN ACT

To amend the title, Section 1 and 3 of Act No. 833, H. 1498, Regular Session 1961 (Acts 1961, p. 1229), as amended, which provides for a privilege or license tax upon the sale, distribution, delivery, or storage

of certain alcoholic beverages in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 833, H. 1498, Regular Session 1961 (Acts 1961, p. 1229), as amended, is hereby amended to read as follows:

"An act to levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 95,000 and not more than 115,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act, and to otherwise provide for the administration of said act."

Section 2. Section 1 of said Act No. 833, H. 1498, as amended to read as follows:

"Section 1. This act shall apply to any county having a population of not less than 95,000 and not more than 115,000 inhabitants according to the 1970 or any subsequent decennial census of the United States. This act shall not have the effect of altering or repealing in anywise any statute now in effect, but shall be in addition to and cumulative of all laws now in effect. This act shall not have the effect of legalizing the sale, distribution, delivery, storage, taking out of storage, or possession in said county of any beverage now or hereafter prohibited by law, but shall be operative only if and when the sale, distribution, delivery, storage, taking out of storage, or possession in the county of such beverages has been legalized."

Section 3. Section 3 of said Act No. 833, H. 1498, as amended, is hereby amended to read as follows:

"Section 3. (a) The tax levied by this Act shall be in addition to all other taxes and licenses now imposed by law. Every distributor or seller of malt or brewed beverages shall in addition to all other taxes and licenses now imposed by law, pay a license tax to the county, and a license tax is hereby fixed and created which shall be a sum and amount equal to one-fourth of one cent on each fluid ounce or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county; provided, however, that where the additional license tax hereby required to be paid shall have been paid by a distributor or seller of malt or brewed beverages, such payment shall be sufficient, the intent being that such

license tax hereby required to be paid shall be paid but once on the same identical beverage.

“(b) The tax herein levied shall be paid through the use of stamps provided, furnished, and affixed in the manner hereinafter prescribed. Stamps in denominations to the amount of the tax shall be affixed to each individual bottle, can, or other container in which the malt or brewed beverages taxed by this Act are customarily sold at retail. All malt or brewed beverages as herein enumerated when offered for sale, either at wholesale or retail, in any county to which this Act applies, without having stamps affixed as hereinabove set out and cancelled as hereinafter prescribed shall be subject to confiscation in the manner prescribed in Section 4 of this Act. Every distributor or seller of malt or brewed beverages in a county in which this Act applies shall immediately after receipt of any malt or brewed beverages not bearing the county malt or brewed beverage tax stamps as hereinafter required, unless sooner offered for sale, cause the same to have the requisite denomination and amount of stamp or stamps to represent this tax affixed and cancelled by writing or stamping across the face of each stamp the number of the permit issued by the probate judge to such distributor or seller. Provided that any wholesale dealer or jobber who sells malt or brewed beverages for resale or reshipment into a county not subject to the provisions of this Act, if he furnishes a sufficient surety bond in a manner and of tenor and solvency satisfactory to the probate judge may set aside that part of his stock which is kept and will be used for the purpose of resale or reshipment into a county not subject to the provisions of this Act, without affixing the stamps required hereby.

“(c) The probate judges of all the counties to which this Act applies are hereby authorized and directed to have prepared, at the expense of the county, and to sell stamps suitable for denoting the tax due hereunder on all malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county. It shall be unlawful for any person other than the probate judge, or his duly authorized agent, to sell any official malt or brewed beverage tax stamps prescribed and prepared under this Act, not affixed to a bottle, can, or other container of malt or brewed beverages. When wholesale distributors or sellers of malt or brewed beverages who have qualified as such with the probate judge pursuant to subsection (e) of Section 8 of this Act purchase stamps for use on malt or brewed beverages taxable under this Act, the probate judge shall allow on such sales of malt or brewed beverage tax stamps a discount or ten per cent on the entire amount of the sale. Every distributor or seller purchasing stamps shall make a full and complete accounting to the probate judge of the county on or before the fifteenth day of each month for all stamps used on taxable malt

or brewed beverages during the preceding month. A copy of such accounting shall be filed with the license inspector of the county. The accounting shall be on forms prescribed by the probate judge and shall contain a written statement, sworn to and subscribed by such distributor or seller, showing: the name and address of such distributor or seller; each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, the brand of such malt or brewed beverages, the quantity of each brand of such malt or beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured; and a detailed, itemized statement showing the name and address of each and every distributor, or seller, or other person to whom any malt or brewed beverages are sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages, sold, distributed, or delivered to each, the size and kind of containers of each brand of such malt or brewed beverages, and the date or dates on which sold, distributed or delivered. Every wholesale distributor or seller of malt or brewed beverages in any county in which this Act applies refusing or failing to comply with any provision of this subsection shall be guilty of a misdemeanor; and each day such default continues shall constitute a separate offense. He shall forfeit the commission or discount on stamps used which he failed or refused to account for within the prescribed time, and for such delinquency there shall be added to his license tax a penalty of twenty per centum of the amount thereof, which penalty shall be paid to the license inspector. This penalty shall be in addition to the penalty prescribed in Section 11 of this Act.

“(d) Any distributor or seller of malt or brewed beverages, selling, distributing, delivering, storing, or taking out of storage malt or brewed beverages purchased from any other distributor or seller of malt or brewed beverages who has paid the license tax levied therein in subsection (a) of this section shall not be required to pay such license; and tax stamps affixed to the individual bottle, can, or other container in which the malt or brewed beverages are bought, in the manner prescribed above, and duly cancelled, shall be prima facie evidence that such tax has been paid. However, in order to obtain such exemption such distributor or seller claiming such exemption must, on or before the fifteenth day of each and every calendar month, file with the probate judge of the county, a written statement, sworn to and subscribed by such distributor or seller, claiming exemption, showing the name and address of such distributor or seller, each

and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, and the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and the disposition thereof by such distributor or seller claiming the exemption. Such statement shall be made in form prescribed by the probate judge."

Section 4. This Act shall become effective September 1, 1971.

Approved May 11, 1971.

Time: 2:14 P.M.

Act No. 143 H. 126—Downing, Collins, Stokes, Therrell,
 Nettle, Callahan, Roberts, Wood,
 Lyons

AN ACT

To amend further Section 187 of Title 13, Code of Alabama 1940 in relation to the appointment and compensation of Bailiffs in certain Counties classified according to population.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 13, Section 187, as amended, is further amended to read as follows:

"Section 187. In circuits composed of two counties, one of which has two courthouses for holding court, and only one circuit judge, said judge shall have the power and authority, with the approval of the governing body of such county, to appoint one bailiff in the county having two courthouses, who shall receive a salary to be fixed by the presiding judge at a sum not to exceed four thousand dollars a year, to be also approved by the governing body of such county to be paid monthly out of the treasury of said county as other salaries are paid, said bailiff to serve the circuit and county courts at all sessions, and if requested to do so by the sheriff, to serve the sheriff of the county when not engaged in court. In circuits composed of one county having two circuit judges, each judge shall have the power and authority to appoint one bailiff who shall receive a salary, to be fixed by the presiding judge at a sum not to exceed four thousand dollars per annum, which salary shall be payable in

twelve monthly installments out of the treasury of the county composing such circuit, upon warrant of the president of the Board of Revenue. Provided however, in circuits composed of one county, having two circuit judges and a county population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census, each judge shall have the power and authority to appoint one bailiff who shall be paid ten dollars (\$10.00) a day for every day he serves. Such compensation is to be paid out of the county treasury on the certificate of the judge, showing that his service was necessary. In circuits composed of one county, having three or more circuit judges, each judge shall have the power and authority to appoint one bailiff who shall receive a salary of seven thousand dollars per annum, payable in equal installments, out of the treasury of the county constituting such circuit, upon warrant of the president or chairman of the board of revenue or of the governing body of the county. Each bailiff so appointed shall hold office at the will and pleasure of the officer so appointing him. Each such bailiff appointed to serve in counties having three circuit judges shall, in addition to the duties now imposed upon him, be required to wait upon all grand juries while in session, when directed by the judge so appointing him. The bailiffs appointed by the judges or by the sheriff under this section shall be in lieu of said courts provided for under the preceding section. Nothing in this section or in the preceding section shall apply to circuits having more than fifteen judges."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:15 P.M.

Act No. 144 H. 130—Lutz, King, Hearn, Hale, Grainger

AN ACT

Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities.

Whereas, the Legislature of the State of Alabama finds that it is desirable for the boards of education in municipalities of the size mentioned in the caption of this bill to be elected, and

further finds that there is a unique situation in such municipalities with respect to their boards of education, in that in smaller cities there would likely be a shortage of qualified individuals willing to seek the office of member of the board of education, and in larger cities it would be difficult for the electorate to know all the candidates who might seek the office, now, therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Boards of education in all cities having populations of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census are hereby abolished, effective at midnight on the last Tuesday in September in the year 1972, and replaced with the boards of education as herein provided for. Said boards shall have all the powers, duties, rights and immunities otherwise provided by law for city boards of education in the State of Alabama. (b) The members of the board of education of all cities having populations of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census shall be elected in the year 1972 and every four years thereafter. The boards of education of such cities shall consist of five places, and such places shall be designated and numbered as follows, to-wit:

Member, Board of Education, Place No. 1;

Member, Board of Education, Place No. 2;

Member, Board of Education, Place No. 3;

Member, Board of Education, Place No. 4;

Member, Board of Education, Place No. 5.

A person seeking election and qualifying as a candidate for election as a member of said board shall designate by number the place on such board for which he is a candidate, and it shall be so stated on the ballot. (c) All members of the boards of education herein provided for shall be elected from the city at large, and no person shall be a candidate or be permitted to file his statement of candidacy for more than one of such places. No ballot shall be counted for any candidate except for the place or number for which he announced in his statement of candidacy. The city governing body shall provide for the holding of elections authorized herein and for the payment of the expenses of such elections. (d) Members of the boards of education of cities covered by this act shall be elected on the first Tuesday next after Labor Day in the year 1972. Any candidate who receives a majority of all votes cast for all candidates seeking election to the position for which he is a candidate shall be declared elected

to that position. In the event no candidate receives a majority of all of the votes cast for any one or more positions on the board of education, the governing body of the city shall order a second or run-off election to be held on the last Tuesday in September following, at which election the two candidates receiving the most votes for the office in the first election shall be the candidates, and the person receiving the highest number of votes in the second or run-off election shall be declared elected. In the event of a tie vote between the candidates in such run-off election, the then serving governing body of the city shall immediately decide the election by majority vote. (e) The method and dates for qualifying as a candidate for city boards of education provided for hereunder and the conduct of elections hereunder shall be the same as other municipal elections in the same cities, except that each candidate shall pay a qualifying fee of \$50.00. (f) Members of boards of education elected hereunder shall take office on the last Wednesday in September in the year of their election. (g) Candidates for boards of education shall be qualified electors in the city in which they seek election and shall in no way be subject to the authority of the board. (h) In the event of a vacancy in the membership of a board of education subject to the provisions of this act the city council or commission shall, by majority vote, elect a person to fill such vacancy for the unexpired term.

Section 2. Each member of the board of education elected under the provisions of this act shall receive compensation of \$100.00 per month paid from the city school fund in the manner provided for paying compensation out of such school funds.

Section 3. Except as herein provided the board of education of all cities hereby affected shall in all respects be governed by the general law relative to city boards of education.

Section 4. This act shall not apply to any municipality in a county in which there is only one board of education.

Section 5. The substantive provisions of this act shall not become effective in any city unless it is first approved by a majority of the qualified electors of that city who vote in a referendum election held for that purpose. Such referendum election shall be held in the following manner: The city council or commission must call an election to determine the sentiment of the voters as to whether or not the board of education of the city shall be elected in the manner provided in this act. Said election shall be held and the officers appointed to hold the same shall be appointed in the manner provided by law for holding other municipal elections, and the returns thereof shall be tabulated and the results certified as provided by law for such elections. The election shall be held on the date of the first

primary, general or special election held after the passage of this act, and notice thereof shall be given by the city clerk by publication at least three weeks before the date of the election, in a newspaper published in the city. The cost of the election, including the cost of publishing notices thereof, shall be paid out of the general funds of the city. On the ballots to be used in such election the question shall be in the following form: "Do you favor the election of the board of education of the city of _____ as provided in Act No. _____ of the 1971 Special Session? Yes () No ()." Only qualified voters of the city shall vote in said election. If a majority of the voters voting in the election vote "Yes", this act shall thereafter be effective in the city holding the referendum; however, if a majority of the voters voting in said election vote "No", this act shall have no further force and effect in such city. The Probate Judge of the county in which such election is held shall certify the results of the referendum to the Secretary of State within thirty days after the determination thereof.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:16 P.M.

Act No. 145 H. 131—Lutz, King, Hearn, Hale, Grainger
AN ACT

To provide for the election of a seven member City Board of Education for any city having a population of not less than 135,000 nor more than 180,000 according to the most recent federal decennial census; and to provide for the terms of said members.

Be It Enacted by the Legislature of Alabama:

Section 1. The general administration and supervision of the public schools and educational interest of any city having a population of not less than 135,000 nor more than 180,000 according to the most recent federal decennial census shall be vested in a City Board of Education, to be composed of seven members who shall be residents of such city, and who shall not

be members of the City Council or Commission. The members of such City Board of Education, who shall, except as hereinafter provided, serve without compensation, shall be chosen solely because of their character and fitness, but no person shall be appointed or elected to this Board under the provisions of this section who is in any way subject to the authority of the Board.

Section 2. Immediately upon the passage and approval of this act, the City Council or Commission shall elect two additional members of the City Board of Education of such cities to serve in addition to those now provided by law. The term of one of the members so appointed shall be designated by the Council or Commission to expire in April of 1973. The term of one of the members so appointed shall be designated by the Council or Commission to expire in April of 1976. Thereafter the terms of all members of the City Board of Education shall be five years. The terms of the remaining five members of the City Board of Education holding office at the time of the passage of this act shall expire in accordance with their original appointments. Annually, at the regular meetings of the City Council or Commission in April the said Council or Commission shall elect a member or members of the City Board of Education to succeed those whose term or terms of office expire that year. In the event of a vacancy in the membership of the City Board of Education, by resignation or otherwise, the fact shall be reported to the City Council or Commission by the said Board, and the said Council or Commission shall elect a person to fill the vacancy for the unexpired term.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. The provisions of this act are declared to be severable. If any part is declared invalid in any application, such declaration shall not affect the part which remains.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:17 P.M.

Act No. 146

H. 133—Coshatt

AN ACT

Relating to counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census;

to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the type of newspapers designated in Section 713 of Title 7, Code of Alabama of 1940, as last amended, in which publication of certain notices may be published, in counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in such county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county, and regardless of whether or not said newspaper is mailed under the second class mailing privilege of the United States post office department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:18 P.M.

Act No. 147

H. 134—McCluskey, Smith (P)

AN ACT

Relating to counties having a population of not less than 65,000 nor more than 68,000 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the type of newspapers designated in Section 713 of Title 7, Code of Alabama of 1940, as last amended, in which publication of certain notices may be published, in counties having a population of not less than 65,000 nor more than 68,000 according to the most recent federal decennial census the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in such county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county.

Section 2. This act shall become effective immediately upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:19 P.M.

Act No. 148

H. 138—Grey

AN ACT

To amend the Title and Section 1 of Act No. 20, H. 27, Special Session 1970 (Acts 1970, p. 2619), which Act provides further for an allowance to the Circuit Clerk for clerical assistance of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 20, H. 27, Special Session 1970 (Acts 1970, p. 2619), is hereby amended to read as follows:

“An Act to apply in all counties having a population of not less than 14,000 nor more than 15,000, according to the most recent federal decennial census; to provide an allowance to the Circuit Clerk of such counties for clerical assistance.”

Section 2. Section 1 of said Act No. 20, H. 27, is hereby amended to read as follows:

“Section 1. In all counties having a population of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census, the Circuit Clerk of any such county, shall be entitled to receive \$100 per month for clerical assistance. Such allowance shall be paid from the general fund of the county.”

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:20 P.M.

Act No. 149

H. 139—Grey

AN ACT

To amend the Title and Section 1 of Act No. 159, H. 181, Special Session 1969 (Acts 1969, p. 226), which act provides further for the

allowance to the judge of probate for clerk hire of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 159, H. 181, Special Session 1969 (Acts 1969, p. 226), is hereby amended to read as follows:

“An Act to provide a clerk hire allowance for the judge of probate of all counties having a population of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census.”

Section 2. Section 1 of said Act No. 159, H. 181 is hereby amended to read as follows:

“Section 1. The Commissioners Court, Board of Revenue or other like governing body of all counties having a population of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census, shall provide an annual allowance of \$4,500 to the judge of probate for clerk hire. Such amount shall be payable out of the general funds of the county in equal monthly installments.”

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:22 P.M.

Act No. 150

H. 140—Grey

AN ACT

To amend the Title and Section 1 of Act No. 216, H. 180, Special Session, 1969 (Acts 1969, p. 283), which act provides further for an additional expense allowance for the chairman or presiding judge and members of the governing body payable out of county funds of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 216, H. 180, Special Session 1969 (Acts 1969, p. 283), is hereby amended to read as follows:

“An Act relating to counties having a population of not less than 14,000, nor more than 15,000 according to the most recent federal decennial census; to provide an additional expense allowance for the chairman or presiding judge and members of

the governing body of any such county, payable out of county funds."

Section 2. Section 1 of said Act No. 216, H. 180 is hereby amended to read as follows:

"Section 1. In any county having a population of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census, the chairman or presiding judge and each member of the Board of Revenue, Court of County Commissioners, or like governing body of such county shall be allowed an expense allowance not to exceed \$225 per month as reimbursement for expenses incurred in the performance of his duty as a member of such governing body. The amount of such allowance shall be fixed by resolution of the governing body and shall be paid out of the general fund of the county or out of the county gasoline tax fund, or both as prescribed by law. The allowance herein provided shall be in addition to any other salary, allowance, or other compensation provided by law to members of any such county governing body."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:23 P.M.

Act No. 151

H. 143—Carter

AN ACT

To amend Section 7 of Act No. 1251, H. 682, Regular Session 1969 (Acts 1969, p. 2354), which act establishes the Limestone County Superior Court, so as to provide further for the collection of law library fees as items of court costs and for the continued operation of the library and management of the library fund by the custodian thereof under the direction of the judge of the Limestone County Superior Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 1251, H. 682, Regular Session 1969 (Acts 1969, p. 2354), which act establishes the Limestone County Superior Court, is hereby amended to read as follows:

"Section 7. A. In all matters, causes and proceedings in which justices of the peace would have final jurisdiction, the costs and fees taxable shall be the same as are allowed in justice of the peace courts. The usual solicitor's fees provided in cases in circuit courts shall be taxed as a part of the costs in all criminal cases, except in a criminal case where a justice of the peace would have final jurisdiction in which no solicitor's fee shall be charged. Witnesses shall be allowed one dollar per diem in all cases. Witnesses shall not be entitled to mileage in any case. In all other cases, the usual costs, fees and commissions shall be taxed as in circuit court, unless otherwise provided herein.

"1. The clerk and register of the court shall collect as an item of costs in each case docketed, a library fee of one dollar which fee when collected, as other costs are collected, shall be paid on or before the tenth day of the following month into a special fund, to be devoted exclusively to the establishment, operation and maintenance of the public law library of the county. When any part of the costs in a case have been paid, the amount paid shall be applied to the payment of the library fee before applying any of the amount to other items of costs.

"2. Officers who are paid a salary by the state or any political subdivision thereof shall not be entitled to witness fees for attending the court.

"3. In each case reported by the reporter, there shall be taxed as a part of the costs the sum of five dollars.

"4. All fines and forfeitures, except those required by law to be paid or remitted to the state treasurer, or other state officer or department, all solicitor's fees, all court reporter's fees and all clerk's fees and all register's fees shall be deposited by the clerk in the general fund of the county. The clerk shall retain the fees of the sheriff and witnesses and shall pay them to the parties entitled thereto. All other items of costs shall be deposited in the general fund of the county, unless otherwise provided by state law.

"5. No costs shall be taxed in juvenile cases.

"6. If the defendant is acquitted or if the case is nolle prossed or is abated by the death of the defendant, or if the indictment, complaint or affidavit is withdrawn and filed, no clerk's fees or sheriff's fees shall be charged; witness fees, however, in the amounts hereinbefore set forth shall accrue against the county fine and forfeiture fund for the state's witnesses within a reasonable number as determined by the judge.

"B. The treasurer of the Limestone County Bar Association, by virtue of his office, shall continue to be custodian of

the law library and the law library fund; but if for any reason such officer cannot serve or fails to serve, the judge of the Limestone County Superior Court shall serve in his stead. The custodian shall manage the fund and supervise the operation of the library under the direction of the judge of the Limestone County Superior Court, who may authorize the custodian to make such expenditures from the fund as may be necessary to operate and maintain the library."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:24 P.M.

Act No. 152

H. 145—Williams

AN ACT

Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the type of newspapers designated in Section 713 of Title 7, Code of Alabama of 1940, as last amended, in which publication of certain notices may be published, in counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in such county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1971.

Time: 2:25 P.M.

Act No. 153

H. 33—Drake, Casey, Merrill, Williams,
Mathews, Grainger, Burgess,

Bank, Gloor, Headley, Turnham,
Lyons, Adwell, Stubbs,
McDonald, St. John, Fite,
McCorquodale, Culver

AN ACT

To amend Act No. 224 adopted at the Special Session of 1967 of the Legislature of Alabama so as to appropriate, from the state's share of the net tax proceeds of the highway gasoline tax, moneys for payment at their respective maturities of the principal of and interest on bonds of Alabama Highway Authority issued under an act adopted at the 1971 Special Session of the Legislature of Alabama that convened on March 31, 1971, and so as to make further provisions regarding the distribution of the proceeds from the said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 224 adopted at the Special Session of 1967 of the Legislature of Alabama is hereby amended so that the said Section 1 shall read in its entirety as follows:

Section 1. Definitions. The following words and phrases, wherever used in this act, shall have the meanings hereinafter respectively ascribed to them.

"Base annual county distribution" means \$550,000.00.

"Cost of collection" means the amounts from the proceeds of the highway gasoline tax that may be appropriated by the Legislature to the Department of Revenue for its operating expenses.

"County" means each county in the state.

"Fiscal year" means a fiscal year of the state.

"Highway department" means the highway department of the state.

"Highway gasoline tax" means (a) the excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, exclusive of those portions of the said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said Section 647, and (b) the excise tax levied by Act No. 674 adopted at the 1961 Regular Session of the Legislature, as amended, exclusive of that portion of the said tax in respect of diesel fuel.

"Local subdivisions' share of the net tax proceeds" means the fifty-five per centum of the net tax proceeds referred to in the first sentence of Section 4 hereof, less any portion thereof that may at any time be used upon the occurrence of the contingency referred to in subsection (a) of the said Section 4.

"Municipality" means an incorporated city or town in the state.

"Net tax proceeds" means the entire proceeds from the highway gasoline tax less the cost of collection; and less any refunds of the said proceeds pursuant to the provisions of Act No. 674 adopted at the 1961 Regular Session of the Legislature, as amended, or pursuant to the provisions of Act No. 743 adopted at the 1957 Regular Session of the Legislature, as amended.

"State" means the State of Alabama.

"State's share of the net tax proceeds" means the forty-five per centum of the net tax proceeds referred to in the first sentence of Section 3 hereof.

"Public Highway" means every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct or trestle, located either within a municipality or in unincorporated territory, and laid out or erected as such by the public or dedicated or abandoned to the public or intended for use by or for the public. The term 'public highway' shall apply to and include driveways upon the grounds of universities, colleges, schools and institutions, but shall not be deemed to include private driveways, private roads, or private places not intended for use by the public.

The foregoing definitions shall be deemed applicable whether the words or phrases defined are used in the singular or plural.

Section 2. Section 3 of Act No. 224 adopted at the Special Session of 1967 of the Legislature of Alabama, as heretofore amended, is hereby amended so that the said Section 3 shall read in its entirety as follows:

Section 3. Distribution of Forty-Five Per Centum of the Net Tax Proceeds. Forty-five per centum (45%) of the net tax proceeds is hereby allocated and appropriated for state highway purposes and as the state's share of the net tax proceeds. The said forty-five per centum (45%) of the net tax proceeds shall be covered into the state treasury to the credit of the public road and bridge fund and shall be disbursed as hereinafter provided in this section.

(a) A portion of the state's share of the net tax proceeds that is equal in amount to two-sevenths (equivalent to six twenty-firsts) of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued prior to March 1, 1967, by Alabama Highway Authority, a public corporation organized and existing under the provisions

of Act No. 43 adopted at the First Special Session of 1955 of the Legislature, in the order in which the said two-sevenths of the net tax proceeds were pledged for the said bonds.

(b) A portion of the state's share of the net tax proceeds that is equal in amount to two twenty-firsts of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued prior to March 1, 1967, by the said Alabama Highway Authority, in the order in which the said two twenty-firsts of the net tax proceeds were pledged for the said bonds.

(c) A portion of the state's share of the net tax proceeds that is equal in amount to one twenty-first of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued by the said Alabama Highway Authority after March 1, 1959, and prior to March 1, 1967, in the order in which the said one twenty-first of the net tax proceeds was pledged for the said bonds.

(d) The residue of the state's share of the net tax proceeds remaining after provision shall have been made, out of the aforesaid nine twenty-first (9/21) of the net tax proceeds, for payment of the obligations referred to in the foregoing paragraphs (a), (b) and (c) of this section, shall be disbursed for the following purposes, in the following order, and to the extent necessary therefor:

(1) For payment at their respective maturities of the principal of and interest on bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of Act No. 225 adopted at the 1967 Special Session of the Legislature, to such extent and to such extent only as the portion of the motor vehicle license taxes and registration fees provided in Article 8 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, to be used for the payment of the principal of and interest on the said bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of the said Act No. 225 should be insufficient to pay the said principal and interest at their respective maturities;

(2) For payment at their respective maturities of the principal of and interest on the bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of Act No. 781 adopted at the 1969 Regular Session of the Legislature of Alabama, to such extent and to such extent only as the portion of the motor vehicle license taxes and registration fees provided in Article 8 of Chapter 20 of

Title 51 of the Code of Alabama of 1940, as amended, to be used for the payment of the principal of and interest on the said bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of the said Act No. 781 should be insufficient to pay the said principal and interest at their respective maturities;

(3) For payment at their respective maturities of the principal of and interest on the bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of an act adopted at the 1971 Special Session of the Legislature of Alabama that convened on March 31, 1971, to such extent and to such extent only as the portion of the motor vehicle license taxes and registration fees provided in Article 8 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, to be used for the payment of the principal of and interest on the said bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of an act adopted at the 1971 Special Session of the Legislature of Alabama that convened on March 31, 1971, should be insufficient to pay the said principal and interest at their respective maturities;

(4) For payment at their respective maturities of the principal of and interest on the bonds (other than refunding bonds) issued under Act No. 228 adopted at the 1965 Regular Session of the Legislature of Alabama Highway Finance Corporation, a public corporation organized and existing under the said Act No. 228;

(5) For payment at their respective maturities of the principal of and interest on any refunding bonds that may at any time be issued either by the said Alabama Highway Authority or by the said Alabama Highway Finance Corporation pursuant to authorization in any statute adopted at the aforesaid 1971 Special Session of the Legislature that convened on March 31, 1971, or at any other legislative session prior thereto, in the order in which the resolutions authorizing any such refunding bonds may be adopted.

(6) For allocation on September 30 of each fiscal year to each county, to which allocation shall have been made under the provisions of Section 4 (b) of this act during such fiscal year less than the base annual county distribution, of such sum as, when added to the amounts so allocated to that county under the said Section 4 (b), will equal the base annual county distribution.

Section 3. The provisions of this act are hereby declared severable. If any part of the said act should be held invalid, such invalidity shall not affect the part which remains.

Section 4. This act shall become effective upon its passage by the Legislature and its approval by the Governor, or upon its otherwise becoming law.

Approved May 13, 1971.

Time: 6:05 P.M.

ALABAMA LAWS

and Joint Resolutions

REGULAR SESSION, 1971

Act No. 1 H.J.R. 13—Parker (H), Erdreich, Waggoner,
Adwell, Dill, Wallace, Falkenburg,
Jones (E), Boles, Gafford, Weeks,
Ellis, Boutwell, Doss, Timmons,
Meeks, McBride, Cherner

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE AND MRS.
TOM GLOOR ON THEIR SILVER ANNIVERSARY.

WHEREAS, our good friend and esteemed colleague from Jefferson County, Representative Tom Gloor, and his charming wife, Frances, are celebrating their twenty-fifth wedding anniversary today, May 4; and

WHEREAS, Representative Gloor who was born in Illinois, reared and educated in Iowa has for many years been most successful in the automobile and broadcasting business in Bessemer; and

WHEREAS, Representative Gloor has been a great addition to the State of Alabama and to the Southeastern area of this country; he has come to appreciate the finer products of this area, having chosen one of our sister states, the State of Georgia, from which to choose his delightful wife; and

WHEREAS, the marriage of Representative and Mrs. Gloor has been blessed by the addition of three fine children: Tommy, 23; Terry, 19; and Tim who is 12; Now, Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Representative and Mrs. Gloor upon the happy occasion of their Silver Anniversary and extend to them every best wish for a happy Golden Anniversary 25 years hence, and for the merriest of celebrations in the interim.

RESOLVED, FURTHER, That a copy of this resolution be presented to Representative and Mrs. Gloor.

Approved May 28, 1971.

Time: 11:58 A.M.

Act No. 2

S.J.R. 1—Hawkins

SENATE JOINT RESOLUTION

WHEREAS, the Year 1971 marks the 75th Anniversary of the adoption of, and the promulgation of, Vulcan as a symbol of the South's leading steel and iron center, Birmingham; and

WHEREAS, the people of Birmingham did cause to be built in the Year 1904 a statue of Vulcan, in furtherance of the symbolism, and promotion of Alabama and Birmingham; and

WHEREAS, the statue of Vulcan is the largest statue ever produced in the United States and the largest cast metal statue ever produced by man in the past 2,000 years; and

WHEREAS, the statue of Vulcan is one of the eighth wonders of the world and represents a monumental achievement of American democracy at its best; and

WHEREAS, Vulcan is public property, open and free to all, and was designated "The Great Alabama Vulcan" by the people of Birmingham in 1904, in order that the state might be ably represented at the St. Louis Worlds Fair; and

WHEREAS, the statue of Vulcan is artistically, historically, and physically worthy of presentation on a postage stamp of the United State of America, now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the President of the United States, and the Postmaster General of the United States, are called upon to cause to be issued, in the Year 1971, in the City of Birmingham, Alabama, a postage stamp bearing the likeness of the statue of Vulcan, as it appears on Red Mountain in said city.

BE IT FURTHER RESOLVED That all members of the Alabama Congressional Delegation are called upon to aid and support this meritorious project.

Approved May 28, 1971.

Time: 11:57 A.M.

Act No. 3

H.J.R. 2—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a Committee of

five, consisting of two members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the Regular Session of the Legislature, and its readiness to transmit business.

BE IT FURTHER RESOLVED that a Joint Session of the House and Senate be held at 6:30 today for the purpose of hearing the message of The Honorable George C. Wallace, Governor.

AND BE IT FURTHER RESOLVED that the above Committee advise the Governor that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that the committee escort the Governor to the joint session.

And the Speaker of the House has named as a Committee on the part of the House Messrs. Hobbie, Carter and Gloor.

Approved June 1, 1971.

Time: 10:30 A.M.

Act No. 4

H.J.R. 4—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the acts of the House of Representatives and the Senate for the Organizational Session of 1971 and the First Special Session of 1971 be reserved and printed and bound with the acts of the House of Representatives and Senate for the Regular Session of 1971.

Approved June 1, 1971.

Time: 10:32 A.M.

Act. No. 5

H.J.R. 29—Kinsey, Benton

HOUSE JOINT RESOLUTION

TO MEMORIALIZE CONGRESS TO PASS FEDERAL LEGISLATION ENABLING STATES TO OBTAIN LIBERTY SHIPS FOR USE IN MARINE LIFE CONSERVATION PROGRAMS.

WHEREAS the U. S. Congress now has pending before it House Resolution 650 and House Bill 3274 by Mr. Dickinson of Alabama, Mr. McCloskey, and Mr. Andrews of Alabama, both of which authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs and

WHEREAS the State of Alabama desires to obtain one or more of said surplus Liberty ships for the purpose of sinking them offshore in the Gulf of Mexico in order to create artificial snapper reefs and marine life havens for the benefit of Alabama fishermen; and

WHEREAS the creation of these artificial snapper reefs and marine life havens would be a great boom to the tourist trade in Alabama and of special benefit and interest to the salt water fishermen who fish Alabama's offshore coastal waters; and

WHEREAS this is one of the best uses for which said Liberty ships could be placed; and

WHEREAS the above bills have been referred to the U. S. House Merchant Marine and Fisheries Committee which will hold a hearing on said bills on June 8, 1971; and

WHEREAS W. F. Anderson, Chief of the Alabama Seafoods Division of the Department of Conservation, will attend said Committee hearing in order to encourage the passage of said bills; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama does memorialize Congress to pass either House Resolution 650 or House Bill 3274 authorizing the transfer of surplus Liberty ships to the states for use in marine life conservation programs.

BE IT FURTHER RESOLVED, That the Clerk of the House forward copies of this resolution to Mr. W. F. Anderson, Chief of the Seafoods Division, Department of Conservation, Dauphin Island, Alabama, in order that he might present them to the members of the U. S. House Committee on Merchant Marine and Fisheries at its meeting on June 8, 1971.

Approved June 3, 1971.

Time: 6:00 P.M.

Act No. 6

H.J.R. 8—O'Daniel

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. W. L. HOLLOWAY.

WHEREAS the State of Alabama has suffered a severe loss in the passing of Mr. William Lawrence Holloway of Tallassee on April 28, 1971; and

WHEREAS Mr. Holloway, who was a native of Wilcox County, came to Tallassee in 1938 where he had actively served the interests of the community with such devotion to duty and dedication to christian living as to be an inspiration to others; and

WHEREAS Mr. Holloway was for many years connected with the Bank of Tallassee where his kindness and consideration in dealing with the people of the area endeared him to all with whom he came in contact; he was for many years vice president of that institution, was named president in June, 1967, president and chairman of the board in January 1968, and at the time of his death was chairman of the board, having resigned his presidency last January; and

WHEREAS Mr. Holloway was a Methodist, a Mason and a Shriner, a Rotarian and a contributor of his time, efforts and resources to every worthwhile endeavor for the betterment of the community; and

WHEREAS Mr. Holloway is survived by his widow, Mrs. Audrey Tippet Holloway of Tallassee; a daughter, Mrs. Katherine Zaher of Lee Hall, Virginia, and a host of friends and admirers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the untimely death of Mr. William Lawrence Holloway and extend our heartfelt sympathy to his family.

RESOLVED FURTHER, That copies of this resolution be sent to Mrs. Holloway and to Mrs. Zaher.

Approved June 3, 1971.

Time: 5:30 P.M.

Act No. 7

H.J.R. 17—Hobbie, Taylor, Harris,
Straiton, Jones (Fred)

HOUSE JOINT RESOLUTION

RESOLUTION COMMENDING MR. GROVER C. HALL
AND WISHING HIM AN EARLY RECOVERY.

WHEREAS the many friends and admirers of Grover C. Hall, Jr., have been distressed by his illness and hopefully anticipate his early and complete restoration to health; and

WHEREAS all Montgomerians have a particular pride and warm affection for this brilliant young man who grew up here, attended school here, worked here and achieved the pinnacle of success in his chosen field here; and

WHEREAS Mr. Hall was left a rich heritage of achievement by his Pulitzer Prize winning father, the late Mr. Grover Hall, Sr., who was the long-time editor of the Montgomery Advertiser and under whose tutelage and practical guidance the son steadily progressed; and

WHEREAS Mr. Hall served with the United States Air Force for four years during World War II and subsequently was the author of **1,000 Destroyed: The Life and Times of the Fourth Fighter Group**; and

WHEREAS Grover Hall pursued his newspaper career with an avid enthusiasm and singleness of purpose that brought him rapid advancement from police reporter, capitol reporter, associate editor and editor-in-chief of the Montgomery Advertiser which during his long tenure as editor was one of the South's most influential newspapers; and

WHEREAS Mr. Hall's ability to analyze facts and situations, to cut away useless fat from reports and to condense the news into terse, interesting and fresh language is unsurpassed; his obvious enjoyment of his work is contagious to his readers and makes his editorials prerequisite to a morning cup of coffee; and

WHEREAS upon leaving the Montgomery Advertiser in 1966, Mr. Hall was for over two years on the editorial staff of the Richmond (Va.) News Leader which position he resigned to become Washington columnist for Publishers-Hall Syndicate immediately prior to his return to Montgomery; and

WHEREAS many honors have come to Grover Hall who became associate editor of the Montgomery Advertiser in 1947 and editor-in-chief in 1958 of both the Advertiser and the jointly owned Alabama Journal and vice president and member of the board of directors of the Advertiser Company. In 1957 he was the recipient of the National Headliner award for editorial writing from the National Conference of Editorial Writers, was a member of the National Planning Association and its national

council; member of the American Society of Newspaper Editors; member of the National Conference of Editorial Writers; member of Sigma Delta Chi and in 1966 he was named outstanding editor of the year by the Montgomery Council of Industrial Editors; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mr. Grover C. Hall on his long list of accomplishments. We are appreciative of his exceptionally fine writings and extend to him every best wish for his health and happiness.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Hall and to the American Society of Newspaper Editors, to the National Conference of Editorial Writers and to Sigma Delta Chi.

Approved June 3, 1971.

Time: 5:31 P.M.

Act No. 8

H.J.R. 23—Erdreich, Lyons, Doss, Parker (H), Bank, Culver, Wood, Stokes, McBride, Boutwell, Harris, Jones (F), Taylor, Hobbie, Nettles, Callahan, Timmons, Gloor, Falkenburg, Adwell, Meeks, Stewart, Cherner, Weeks

HOUSE JOINT RESOLUTION

WHEREAS Senator Lister Hill, distinguished native son of Alabama and United States Senator from his home state for thirty-one years, has worked tirelessly throughout his legislative career to secure new and improved facilities for health care, research and education; for better standards of patient care; and for quality education and research programs in all areas of the health sciences; and

WHEREAS to achieve these goals, he has sponsored a preponderance of the most important health legislation in the history of this nation, including the Hill-Burton Hospital Survey and Construction Act of 1946; the Health Research Facilities Construction Act of 1956; the Health Professions Assistant Act of 1963; the Nurse Training Act of 1964; the Heart Disease Cancer and Stroke Amendment of 1965; the Allied Health Professional Personnel Training Act of 1966; the Comprehensive

Health Planning and Public Health Service Amendments of 1966; The Hill-Harris Act of 1963 authorizing financial assistance for construction of a comprehensive network of facilities for mentally retarded and mentally ill; the Hill-Burton Provision for Construction of Rehabilitation Facilities; the Health for Peace Bill for international medical research; legislation providing more teachers for the deaf and braille educational material for blind children; and

WHEREAS Senator Hill sponsored legislation leading to establishment of the National Institutes of Health as a research branch of the U.S. Public Health Service and the National Eye Institute; and

WHEREAS the new medical library at the University of Alabama in Birmingham is recognized to be one of the most indispensable and valuable resources available to man in his pursuit of better health, serving as it does as the storehouse for all knowledge of his progress in the health sciences; and

WHEREAS Senator Hill co-sponsored legislation which led to creation of the National Library of Medicine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby designates the new medical library facility at the Medical Center of the University of Alabama in Birmingham as the "Lister Hill Library of the Health Sciences."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Senator Hill.

Approved June 3, 1971.

Time: 5:45 P.M.

Act No. 9

H.J.R. 19—Coshatt

HOUSE JOINT RESOLUTION

Commending Ashville High School for winning Track Championship.

WHEREAS, athletic competition is a wholesome American way of life, and

WHEREAS, the Ashville High School Bulldog Track Team did show remarkable ability in winning the State 2A Track Championship, and

WHEREAS, this feat was accomplished by the Ashville team only in its second year of track competition, and

WHEREAS, this Ashville High School Track Team has reflected much credit on itself, Ashville High School, the community of Ashville, and the county of St. Clair;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that the Legislature of Alabama does hereby commend and congratulate the Ashville High School Track Team for winning the Class 2A State Track Championship; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Mr. J. W. Richey, Principal of Ashville High School, Ashville, Alabama, and to Coach Raymond Farmer, Ashville High School, Ashville, Alabama.

Approved June 14, 1971.

Time: 10:00 A.M.

Act No. 10

H.J.R. 20—Reed, Coshatt

HOUSE JOINT RESOLUTION

COMMENDING GENERAL OLIVER W. DILLARD UPON BEING RAISED TO THE RANK OF BRIGADIER GENERAL.

WHEREAS General Oliver W. Dillard of Margaret, Alabama, did recently bring honor and recognition to himself, his home, city, and state by being elevated to the rank of Brigadier General; and

WHEREAS upon being elevated to this rank General Dillard becomes only the fifth member of his race to achieve this high position of honor and trust; and

WHEREAS General Dillard has received many honors and awards during his long and distinguished tour of duty, some of which include; the Silver Star, and the Bronze Star medals for bravery; and

WHEREAS General Dillard attended Tuskegee Institute and holds a Masters Degree in Foreign Affairs from George Washington University; and

WHEREAS General Dillard's conduct, diligence and excellence in this matter should serve as an example and guiding light for all the citizens of this state; and

WHEREAS the Legislature of Alabama wishes to honor him for his outstanding achievements; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does most heartily congratulate and honor General Oliver W. Dillard as an outstanding Soldier, American, and Alabamian.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to General Oliver W. Dillard.

Approved June 14, 1971.

Time: 10:01 A.M.

Act No. 11

H.J.R. 34—Reed

HOUSE JOINT RESOLUTION

TO PROHIBIT THE DISTRIBUTION OF LITERATURE IN THE HOUSE AND SENATE CHAMBERS BY ANY MEANS WITHOUT IDENTIFYING MARKS OF THE DISTRIBUTOR.

WHEREAS, recently there has been several incidents whereby derogatory mail has been placed in the mail boxes and on the desk of the members of the Legislature; and

WHEREAS this mail has no identifying marks as to who the distributor may be and it appears that there is no constructive intent in the distribution of the material; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That no mail is to be put in any member's mail box or his desk without first being routed through the offices of the Clerk of the House and the Secretary of the Senate.

BE IT FURTHER RESOLVED, That any unauthorized persons attempting to deliver mail shall be detained and questioned by the security force.

Approved June 14, 1971.

Time: 10:02 A.M.

Act No. 12

S.J.R. 10—Fine

SENATE JOINT RESOLUTION

PROCLAIMING THE MONTH OF MAY AS SENIOR CITIZENS MONTH.

WHEREAS, the month of May has officially been proclaimed Senior Citizens Month; and

WHEREAS, the senior citizens are to be honored for their long and untiring efforts in the growth and development of Alabama; and

WHEREAS, the Alabama League of Aging Citizens, Incorporated with Mr. Rubin Hanan as President has shown untiring dedication to their cause; and

WHEREAS, the Alabama League of Aging Citizens, for the past decade, has championed the cause of Alabama's senior citizens; and

WHEREAS, the Alabama Legislature recognizes the invaluable contributions these citizens have made in the past, but most importantly recognizes the value of their wealth of knowledge and experience for the present and future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body would like to assure the senior citizens of Alabama and the Alabama League of Aging Citizens, that we are deeply appreciative of their contributions and fine service over the years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Secretary of the Senate to Mr. Rubin Hanan.

Approved June 14, 1971.

Time: 10:03 A.M.

Act No. 13

S.J.R. 13—Fine

SENATE JOINT RESOLUTION

NAMING SENATE BILL 66 of the 1971 SPECIAL SESSION THE "HARRIS HIGHWAY BUDGETING ACT".

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING, That the bill, S. B. 66 which was passed by both Houses in the 1971 Special Session, be designated and known as the "Harris Highway Budgeting Act."

Approved June 14, 1971.

Time: 10:05 A.M.

Act No. 14 S.J.R. 14—King, Bailes, Hawkins, Cook, Gilmore,
Vacca

SENATE JOINT RESOLUTION

WHEREAS, S. Buford Word, M.D., departed this world, following a brief illness, on the 4th day of January, 1971; and

WHEREAS, Dr. Word was esteemed and respected by all who knew and loved him, as exemplified by the bestowal upon him of both honors and responsibilities which come to few men, including, among other services to his fellow man, President of the Medical Association of the State of Alabama, Chairman of the Administrative Board of the Canterbury United Methodist Church and long time member of the Board of Trustees of his alma mater, Birmingham-Southern College; and

WHEREAS, Dr. Word was a man of honor, dignity, duty and dedication; and

WHEREAS, the loss of Buford Word was, and shall continue to be, a severe one to his family, his patients, his fellow doctors, his church, his school, his community and, indeed, to all of the State of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do deeply mourn the loss of this outstanding physician and leader, S. Buford Word, M.D., and extend our profound sympathy to his widow, Mrs. Sylvia R. Word, and their six children.

BE IT FURTHER RESOLVED that the Secretary of the Senate send a copy of this Resolution to the widow, and that a copy be sent also to the Medical Association of the State of Alabama, the Jefferson County Medical Society, the Canterbury United Methodist Church and Birmingham-Southern College, respectively.

Approved June 14, 1971.

Time: 10:06 A.M.

Act No. 15

S.J.R. 18—Gilmore

SENATE JOINT RESOLUTION

Congratulatory Resolution to Dr. James C. Folsom and others.

WHEREAS, Dr. James C. Folsom, director, Tuscaloosa Veterans Administration Hospital and Chairman of the Alabama

Whitehouse Conference on Aging, and his executive board: Dr. Philip Crunk, Associate Dean, School of Social Work, University of Alabama; Emmet W. Eaton, Executive Director, Alabama Commission on Aging; and the Honorable Jere Beasley, Lieutenant Governor, and Conference Speaker, and their respective staffs have by their noble efforts and benevolent contributions caused the 1971 Alabama Whitehouse Conference on Aging to be a major milestone of service to Alabama's aging citizens, and

WHEREAS, Governor George C. Wallace in his eminent wisdom and discretion appointed Dr. James C. Folsom to serve as state chairman and also gave the full endorsement and support of the Governor's office to the 1971 Alabama Whitehouse Conference on Aging.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do commend and congratulate each of these distinguished individuals for their service and devotion for the betterment of Alabama's aging citizens.

Approved June 14, 1971.

Time: 10:07 A.M.

Act No. 16

H.J.R. 21—Hearn

HOUSE JOINT RESOLUTION

CONGRATULATING REP. HARTWELL LUTZ UPON THE RECENT BIRTH OF HIS SON.

WHEREAS the wife of Rep. Hartwell Lutz, the former Nancy Elizabeth Martin, recently presented him with a new baby boy, born May 22, 1971, which baby weighs 10½ pounds and shall be named Robert Gray; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body would like to take the opportunity to congratulate our esteemed colleague Hartwell Lutz upon the birth of his son.

BE IT FURTHER RESOLVED, That we wish this young man a long and prosperous life, and a future which will reflect credit upon his fine parents.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mrs. Hartwell Lutz.

Approved June 14, 1971.

Time: 10:08 A.M.

Act No. 17 H.J.R. 24—Waggoner, McBride, Weeks, Boutwell,
 Ellis, Meeks, Jones (J. Earl),
 Bowers, Wallace, Timmons, Cherner,
 Parker (H), Gafford, Dill, Gloor,
 Doss, Erdreich

HOUSE JOINT RESOLUTION

COMMENDING MR. JAMES BENNETT.

WHEREAS Mr. James R. Bennett, chief political writer and Capitol correspondent for the Birmingham Post-Herald since 1963, has been reassigned to new duties; and

WHEREAS Mr. Bennett has most effectively covered the past ten sessions of the Alabama Legislature whose actions he consistently recorded in an interestingly factual style; and

WHEREAS Mr. Bennett who is a graduate of both Jacksonville State University and the University of Missouri is well equipped by both experience and education in the profession of journalism; and

WHEREAS Mr. Bennett was the recipient of the American Political Science Association's 1969 award for outstanding reporting of public affairs and has also received various citations from the Associated Press; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mr. Bennett for his excellence in journalism and extend to him best wishes for his continued success and happiness.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Mr. Bennett and the Birmingham Post-Herald.

Approved June 14, 1971.

Time: 10:09 A.M.

Act No. 18 H.J.R. 25—Lutz, Hearn, King, Grainger, Hale

HOUSE JOINT RESOLUTION

Congratulating Lloyd A. Bonner upon being selected as a recipient of the 1971 Outstanding College Athlete Award, and other accomplishments.

Whereas, Lloyd A. Bonner of Huntsville has been recognized for his accomplishments in both athletics and academics by being chosen as one of two Outstanding College Athletes of America; and

Whereas, Lloyd A. Bonner has been named to the first team basketball Academic All-American (college division) for the past season; and

Where Lloyd A. Bonner has distinguished himself both as an outstanding college student and athlete.

Now, therefore, be it resolved by the Legislature of Alabama, both Houses thereof concurring:

1. That this Legislature does hereby congratulate Lloyd A. Bonner on his outstanding accomplishments as an athlete and student and does extend to him its best wishes and encouragement for continued success.

2. Resolved further that copies of this resolution be sent to Lloyd A. Bonner and to his parents Dr. & Mrs. Leon W. Bonner of Huntsville, Alabama.

Approved June 14, 1971.

Time: 10:10 A.M.

Act No. 19 H.J.R. 26—Lutz, Hearn, King, Grainger, Hale
HOUSE JOINT RESOLUTION

Congratulating and commending the Lee High School (Huntsville) baseball team on winning the State 3A-4A Championship.

WHEREAS, The Lee High School (Huntsville) baseball team has won the 1971 State 3A-4A baseball championship by winning eleven straight playoff games; and

WHEREAS, The Lee High School baseball team has amassed a record of sixty-one victories and three losses over the past three years; and

WHEREAS, The members of the Lee High School baseball team have brought great honor to themselves, the student body of Lee High School, their coaches and to the City of Huntsville by demonstrating their athletic skill and sportsmanship.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING,

That the Legislature does hereby congratulate and commend the baseball team of Lee High School (Huntsville) on winning the State 3A-4A baseball championship, and for the credit that they have brought to their school and their community.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Lee High School baseball team, Coach Max Burleson and his staff, and to Mr. Fulton Hamilton, principal of Lee High School.

Approved June 14, 1971.

Time: 10:11 A.M.

Act No. 20	H.J.R. 27—Chesnut, Wynot, Baker, Williams, Carter, Cross, Pruitt, Cauthen, Hill, Stewart, Reid, Bank, Grey, Coshatt, Goodwin, Reynolds, Flippo, Crowe, Waldrop, Weeks, Doss, Erdreich, Lyons, McCorquodale, Carnes, Smith, Ellis
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HOUSE JOINT RESOLUTION

COMMENDING MRS. MARY GEORGE WAITE ON BEING NAMED PRESIDENT OF THE ALABAMA BANKERS ASSOCIATION.

WHEREAS Mrs. Dan Waite, who is affectionately known by her host of friends and admirers as "Mary George" and who has since 1957 been chairman of the board and president of the Farmers and Merchants Bank of Centre, has been made president of the Alabama Bankers Association; and

WHEREAS Mrs. Waite not only has the signal honor of being the first woman president of the Alabama Bankers Association, but she is the first woman to be elected to the presidency of any state banking association in the entire nation; and

WHEREAS Mrs. Waite, who is a most attractive young woman of much personal charm and with a ready wit, has little patience with such organizations as the women's liberation movement, nor does she take advantage of her femininity, but frankly admits that she enjoys being wife, mother and grandmother and appreciates those courtesies which Southern gentlemen customarily extend to their ladies; and

WHEREAS Mrs. Waite, having been born and reared in Centre and graduated from Huntingdon College, subsequently

taught in the schools of Centre prior to the death of her father the late Mr. J. O. Jordon who had headed the Farmers and Merchants Bank since 1923; and

WHEREAS under Mrs. Waite's imaginative leadership, the Farmers and Merchants Bank has grown from a five million dollar bank to a sixteen million dollar institution in the past fourteen years; and

WHEREAS Mrs. Waite's deep understanding of problems common to the average person, together with her experience, education and dedication to hard work, makes her singularly well equipped to head one of this state's most important business associations; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mrs. Mary George Waite upon her elevation to the presidency of the Alabama Bankers Association and assure her of our confidence in the continued growth and influence of the Association under her splendid leadership.

RESOLVED FURTHER, That copies of this resolution shall be sent to Mrs. Waite, to the Alabama Bankers Association and to the American Bankers Association.

Approved June 14, 1971.

Time: 10:12 A.M.

Act No. 21

H.J.R. 28—Waggoner, McBride

HOUSE JOINT RESOLUTION

EXTENDING BEST WISHES TO REPRESENTATIVE AND MRS CHARLES DRAKE BOUTWELL ON THEIR RECENT MARRIAGE.

WHEREAS Mr. Charles Drake Boutwell and Miss Candace Sue Pederson were united in marriage in a beautiful and impressive ceremony in the Highlands Methodist Church of Birmingham on May 22, 1971; and

WHEREAS Mrs. Boutwell who formerly lived in Huntsville, is the daughter of Mr. and Mrs. William John Pederson who are formerly of Huntsville and who now reside in Slidell, Louisiana, and Mr. Boutwell is the son of Mr. and Mrs. Albert Burton Boutwell of Birmingham; and

WHEREAS Mr. Boutwell who is associated in the practice of law with his father, is a graduate of Vanderbilt University

RESOLVED FURTHER That a copy of this resolution be sent to Mr. and Mrs. Charles Drake Boutwell.

Time: 10:13 A.M.

HOUSE JOINT RESOLUTION

WHEREAS, much of the success of Jacksonville State University can be attributed to the leadership of Dr. Houston Cole; and

WHEREAS, this college has grown into a university; with an enrollment of over six thousand, five hundred students, making it the third largest institution of higher learning in the state; there are seventy-five buildings on the campus with a physical plant valued at more than fifty million dollars; and

WHEREAS, the renown of the International House at Jacksonville State University has redounded to the credit of Alabama. Jacksonville students are known throughout the

world, and the French Government has decorated Dr. Cole for his work in behalf of world peace through the International House; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library now under construction at Jacksonville State University be named and known as the Houston Cole Library in grateful appreciation for the outstanding services of Dr. Cole.

Approved June 14, 1971.

Time: 10:14 A.M.

Act No. 23 H.J.R. 33—Hobbie, Taylor, Harris, Jones (F),
Straiton

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JAMES PORTER HENRY.

WHEREAS the State of Alabama, and particularly Montgomery County, suffered a severe loss in the passing of Mr. James Porter Henry of Hope Hull on May 24, 1971, at the age of seventy-five; and

WHEREAS Mr. Henry, who was a native of Tennessee, came to Hope Hull a number of years ago where he established substantial dairy interests; and

WHEREAS Mr. Henry instituted new and progressive methods for dairy farming and through his generosity and sincere interest in the betterment of his community was influential in making the dairy industry of Montgomery County what it is today; and

WHEREAS Mr. Henry was a member of the board of directors of the Production Credit Association from September 20, 1950 until his death and had been on the loan committee of the association during that time until the end of 1970; and

WHEREAS Mr. Henry who was a member of the Tabernacle Methodist Church, was a man of wide interests and served effectively as a member of various county committees for local improvements; he was particularly interested in education and gave generously of his time talents and resources in the establishment of Hooper Academy; and

WHEREAS Mr. Henry is survived by his widow, Mrs. Iva Garrett Henry of Hope Hull; two daughters, Mrs. Fannie H. Scoma and Mrs. Myrt H. Hall, both of Montgomery; three sons, James P. Henry, Jr. of Montgomery and George F. Henry and Davis G. Henry, both of Hope Hull and a number of grandchildren and great grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Mr. James Porter Henry and extend our heartfelt sympathy to the surviving members of his family, to whom copies of this resolution shall be sent.

Approved June 14, 1971.

Time: 10:15 A.M.

Act No. 24

H.J.R. 32—Ellis, Waggoner

HOUSE JOINT RESOLUTION

IN ACCEPTANCE OF A FLAG PRESENTED BY THE LADIES MEMORIAL ASSOCIATION AND THE UNITED DAUGHTERS OF THE CONFEDERACY; CONSIGNING THE SESQUI-CENTENNIAL FLAG TO THE DEPARTMENT OF ARCHIVES AND HISTORY.

WHEREAS the Alabama Flag which now graces the Hall of the House of Representatives is the flag which commemorates the recent Sesqui-Centennial Anniversary of this great State; and

WHEREAS it is now the desire of the people of this State to present this Sesqui-Centennial flag to the Department of Archives and History and to Mr. Milo Howard as director of that department, and to replace the same with a flag which is an emblem of far greater significance and historic value to Alabama; and

WHEREAS Prior to the secession of Alabama from the Union, this State had always used the United States flag on formal occasions, but when the Secession Convention met in Montgomery and voted January 11, 1861 to withdraw from the Union, a flag made by the ladies of Montgomery was presented at the request of the donors by Mr. William Lowndes Yancey, leader of the Secession movement, at which time he delivered an eloquent address describing the beautiful symbolism incorporated in this flag; and

WHEREAS after resolutions had been introduced accepting the flag and expressing appreciation for it, but before the adoption of such resolutions Mr. William R. Smith of Tuscaloosa, an opponent of Secession, got the floor and delivered a fiery and patriotic speech expressing his surprise at the flag's presentation; and

WHEREAS Mr. Smith with much impassionment recounted the glories that had been achieved under the glittering folds of the Star Spangled Banner and noted the gallant soldiers that had been therein enshrouded, yet he was overwhelmed with the gorgeous scene displayed upon the unfurling of the flag presented by the ladies of Montgomery; and

WHEREAS even this ardent opponent of Secession was impelled to say, "Presented by the daughters of Alabama! The history of the world teaches, that in times of trouble and danger to her country, woman is always in the van. Her heroism is reserved for revolutions . . . What wonder then that now, in these stirring times, when 'grim-visaged war' wrinkles the brow of Peace—what wonder that the daughters of Alabama should thus endeavor to impart to our veins the burning currents of their enthusiasm! What wonder that they should strive, by these graceful devices of female ingenuity, to lift us up to the height of their own hallowed inspiration!"

"We accept this flag; and though it glows with but a single star, may that star increase in magnitude and brilliancy, until it outrivals the historic glories of the Star Spangled Banner"; and

WHEREAS this glorious flag which once flew above our Capitol dome was years later located in 1929 by Miss Fannie Hails of the Alabama Department of Archives and History in the Iowa Historical Memorial and Art Department where it was labeled "captured Confederate battleflag" and where records indicate it was taken by Wilson's Raiders near the end of the war, and although it was not actually returned to Alabama until 1938 after repeated and sustained efforts to obtain its release; and

WHEREAS the Ladies Memorial Association and the United Daughters of the Confederacy in Montgomery, on behalf of the ladies of Alabama, have graciously donated to Alabama a replica of the beautiful flag which was presented to the Alabama Secession Convention; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we accept with grateful appreciation, the most beautiful flag which

the Ladies Memorial Association and the United Daughters of the Confederacy in Montgomery have donated on behalf of the ladies of Alabama, and assure them that it will always be treasured as a symbol of their loyalty to this State.

BE IT FURTHER RESOLVED that the Sesqui-Centennial flag which now stands in the Hall of Representatives be presented to and consigned for safe keeping in the Alabama Archives and History Department.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Ladies Memorial Association and the United Daughters of the Confederacy in Montgomery and to Mrs. John K. Rose, past president of the Cradle of the Confederacy Chapter, U. D. C., past president of the Alabama Division of the U. D. C., and past president of the Ladies Memorial Association.

Approved June 14, 1971.

Time: 10:16 A.M.

Act No. 25 S.J.R. 25—Jones, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, King, Lindsey, Littleton, Lybrand, McLain, Malone, Noonan, O'Bannon, Owen, Pelham, Register, Shelby, Vacca, Weaver, Wilder, Wilson, Lt. Gov. Beasley

SENATE JOINT RESOLUTION

WHEREAS, on Monday, June 7, 1971, death claimed the life of Mrs. Mildred Paterson Pierce, wife of our esteemed colleague, Senator Junie Pierce; and

WHEREAS, Mrs. Pierce was affectionately known as an outstanding example of Christian womanhood, beloved by her family, and loved and respected by her friends; and

WHEREAS, members of this Legislature, both now and in the recent past, have particularly enjoyed her friendship and outspoken integrity; she will long be remembered with great affection as a good friend, as a strong right arm to her husband, and an outstanding inspiration to her children; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That

we do deeply mourn the death of Mrs. Mildred Paterson Pierce and extend our true and deeply felt sympathy to Senator Pierce, his son, J. J. Pierce, III, and his daughter Ann, Mrs. Robert J. Russell, to whom copies of this resolution shall be sent.

Approved June 14, 1971.

Time: 10:17 A.M.

Act No. 26 S.J.R. 19—Cook, Hawkins, Bailes, Gilmore,
Dominick, King, Vacca

SENATE JOINT RESOLUTION

Naming a portion of U. S. Highway 31 the Bob Guillot Whiteway.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the portion of U. S. Highway 31 within the corporate limits of the City of Vestavia Hills be designated the Bob Guillot Whiteway and that the State Highway Department be required to erect distinctive and appropriate signs designating said portion of the said Highway the "Bob Guillot Whiteway."

Approved June 14, 1971.

Time: 10:18 A.M.

Act No. 27 S.J.R. 20—Vacca, Cook

SENATE JOINT RESOLUTION

THANKING ALABAMA INTERNATIONAL MOTOR SPEEDWAY; REP. PHILIP H. SMITH, REP. MURRAY P. McCLUSKEY, AND SENATOR ROBERT W. WEAVER FOR COURTESY SHOWN TO MEMBERS OF THE LEGISLATURE ATTENDING THE WINSTON 500 AUTO RACE.

WHEREAS several members of the legislature were in attendance at the recent running of the Winston 500 auto race at Alabama International Motor Speedway, near Talladega, Alabama; and

WHEREAS our distinguished colleagues, Rep. Philip H. Smith, Rep. Murray P. McCluskey, and Senator Robert W. Weaver, served as our hosts and the many courtesies they ex-

tended were greatly enjoyed by the members present; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Legislature of Alabama by this resolution do express their sincere thanks and appreciation to the hosts for the warm hospitality so generously accorded them upon the aforesaid occasion.

BE IT FURTHER RESOLVED That the Secretary of the Senate deliver a copy of this resolution to the aforesaid members and a copy to the proper Speedway Representative.

Approved June 14, 1971.

Time: 10:19 A.M.

Act No. 28

S.J.R. 22—Wilson

SENATE JOINT RESOLUTION

WHEREAS the press of legislative and executive business during the special session just ended has been such that the Governor, Director of Finance, and State Budget Officer have been unavoidably prevented from preparing and transmitting to the two houses the budget document setting forth the Governor's financial program for the ensuing biennium within the time specified in Chapter 4, Title 55, Code 1940; and

WHEREAS additional time for this work is needed and has been requested, now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE concurring, That the time for filing the budget document with the Legislature be and hereby is extended until not later than the 20th Legislative day.

Approved June 14, 1971.

Time: 10:20 A.M.

Act No. 29

H.J.R. 30—Nettles, Stokes, Roberts,
Perloff, Callahan, Collins,
Therrell, Wood, Downing,
Lyons

HOUSE JOINT RESOLUTION

RESOLUTION MOURNING THE DEATH OF ASSISTANT FIRE CHIEF JOHN DOYLE WILLETT OF MOBILE.

WHEREAS Assistant Fire Chief John Doyle Willett of Mobile, Alabama, met a brave but tragic death in the line of duty while fighting a fire on May 17, 1971; and

WHEREAS Chief Willett had been a resident of Mobile since he was a small child and had been with the Mobile Fire Department almost 30 years; and

WHEREAS Chief Willett left many close friends in this State and especially in Mobile; and

WHEREAS Chief Willett's bravery and devotion to duty will long serve as a shining example of the many heroic actions performed by firemen in their services to the public; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do greatly mourn the passing of Assistant Fire Chief John Doyle Willett of Mobile, Alabama.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Chief Willett's widow, Mrs. Roberta I. Willett, and his son and 3 daughters and a copy to the Mobile Fire Department.

Approved June 22, 1971.

Time: 3:00 P.M.

Act No. 30

H.J.R. 39—Ellis, Lyons, Gloor

HOUSE JOINT RESOLUTION

In grateful appreciation to the Madison County Senate and House Delegation and the City of Huntsville, Alabama for a most memorable and enjoyable June 3, and 4, 1971.

WHEREAS, The Senators and Representatives and both Houses' employees do hereby state, and wish to express for the record; that

WHEREAS, we attended a meeting in Huntsville, Alabama at the invitation of its Legislative delegation; and

WHEREAS, the Legislature of Alabama was overwhelmed by the "Red Carpet" and V. I. P. treatment afforded them by their host; and

WHEREAS, the kindness, amenities and gifts showered on us will be long remembered and remain a lasting treasure; and

WHEREAS, we are aware of the tremendous pride of accomplishment in the space effort, the natural beauty of the land, and warm hearts of her people; and

WHEREAS, we are also aware of the great place in history that this city and her people have had, mothering our state and providing its first capitol; and

WHEREAS, Huntsville's growth has been phenomenal and has truly become one of Alabama's great cities,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we wish to express to the fine people of Huntsville and Madison County our heartfelt thanks for their kind invitation and most gracious hospitality to us; and

BE IT FURTHER RESOLVED, That we wish them further success and Godspeed; and

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Madison County delegation, the City of Huntsville and their newspapers to attest to our most sincere appreciation.

Approved June 22, 1971.

Time: 3:01 P.M.

Act No. 31

H.J.R. 47—Turnham, Brassell

HOUSE JOINT RESOLUTION

WHEREAS Peggy Dockery, an outstanding graduate of Auburn University, has been selected as "the International Scholar of 1971 and America's Ambassador to Europe and Asia" after competing with 4,793 other college students throughout the nation and

WHEREAS Miss Dockery's selection was based on her outstanding campus activities and scholastic abilities which included "the most outstanding Auburn University woman of 1970-71," President of the War Eagle girls, school beauty, Alabama's model of the year, Who's Who in fraternities and sororities, the most outstanding Junior American award and, in addition, is the recipient of a full scholarship from the graduate fashion design school of New York, and

WHEREAS, Miss Dockery by her actions and abilities has caused the State of Alabama to receive considerable recognition and praise now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Miss Peggy Dockery for her many achievements and for her recent selection as the international scholar for 1970-71 and that the Senate consider this day, June 10, 1971, as Peggy Dockery Day.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the family of Peggy Dockery and the President of Auburn University.

Approved June 22, 1971.

Time: 3:02 P.M.

Act No. 32

H.J.R. 51—Turnham, Brassell, Adams,
Bank, Stubbs

HOUSE JOINT RESOLUTION

Naming the Home Economics Building at Auburn University the Marion Walker Spidle Hall.

WHEREAS, Mrs. Marion Walker Spidle served Auburn University with distinction for 28 years as head of the department of home economics, Dean of Women and Dean of the School of Economics until her retirement in 1966; and

WHEREAS, Dean Spidle's outstanding work in home economics education has contributed much to the progress of Auburn University and the entire state and region; and

WHEREAS, this graduate of Alabama College has exhibited untiring loyalty and devotion to the State of Alabama through her many years of distinguished service, and by her tireless support of home economics contributed immeasurably to the furtherance of this state; and

WHEREAS, the Auburn University Board of Trustees has unanimously recommended the naming of the Home Economics Building for Dean Spidle, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in recognition of Dean Spidle's outstanding service to Auburn Uni-

versity and the people of Alabama, that this building be designated, named and known as the Marion Walker Spidle Hall.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Dean Spidle and her daughter, Mrs. Robert C. Anderson.

Approved June 22, 1971.

Time: 3:03 P.M.

Act No. 33

S.J.R. 24—Edington, Pelham, Givhan

SENATE JOINT RESOLUTION

WHEREAS, the State of Alabama, United States of America and the Republic of Guatemala, Central America, have formally established a partnership for their mutual economic, cultural and social development, and

WHEREAS, the executive committees are meeting in Montgomery, Alabama on the 15th day of June, 1971, and

WHEREAS, the Governor of the State of Alabama is issuing a proclamation designating said date as Alabama-Guatemala Day, and

WHEREAS, the Secretary-General of Latin America for the Partners of the Americas, Senora Mariflor de Solis of Guatemala City, Guatemala, Central America, will be present at said time; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the said Senora Mariflor de Solis of Guatemala City, Guatemala, Central America, be invited to attend and be introduced at the sessions of the Legislature on the 15th day of June, 1971, and be extended the privileges of the floor of the House of Representatives and Senate.

Approved June 22, 1971.

Time: 3:04 P.M.

Act No. 34

S.J.R. 26—Clark

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF J. JAMES TEAL CIRCUIT CLERK OF BARBOUR COUNTY FOR 24 YEARS

WHEREAS Mr. J. James Teal the Circuit Clerk of Barbour County, passed away May 27, 1971; and

WHEREAS Mr. Teal was one of the outstanding citizens of Barbour County, having served as the Circuit Clerk of Barbour County for the past 24 years, and had recently been elected to the 5th consecutive term; and

WHEREAS Mr. Teal was a faithful member of the Clayton United Methodist Church where he served on the official board; He was a veteran of World War II, belonged to the American Legion, and the Masonic Lodge; and

WHEREAS Mr. Teal's death is a great loss to Barbour County as well as the State of Alabama, and whereby he will be sorely missed by all of his associates; and

WHEREAS he is greatly mourned by the many citizens of this state and the members of the Alabama Legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this distinguished citizen and do pass this resolution as a memorial to the exemplary life of this outstanding man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Secretary of the Senate to his widow and his family.

Approved June 22, 1971.

Time: 3:05 P.M.

Act No. 35 H.J.R. 35—Cauthen, Slate, and the entire
membership of the House of
Representatives

HOUSE JOINT RESOLUTION

Memorializing Audie Murphy

WHEREAS, On May 31, 1971, Audie Murphy met an untimely death in an aircraft accident; and

WHEREAS, It is ironic that his death occurred on Memorial Day, a day when America honors its fallen combat heroes; and

WHEREAS, Audie Murphy, the most decorated serviceman in the history of the military of the United States of America,

was a patriot in the true sense of the word, believing in and living the ideal that freedom and democracy are worth dying for; and

WHEREAS, On July 20, 1968, Audie Murphy delivered the dedicatory address at dedication ceremonies of the Alabama War Memorial and Hall of Honor honoring Alabama fallen sons, and at that time, in referring to this memorial, said; "May it be an inspiration for other states to follow . . . that one day there will be fifty war memorials."; and

WHEREAS, On other visits to Alabama, Audie Murphy expressed his affection for the State of Alabama saying, "On my one-time visit, I fell in love with this State, and its people have shown me great southern hospitality."; and

WHEREAS, Audie Murphy had consented to participate in the Spirit of America Fourth of July celebration in Decatur, Alabama, to help revitalize the spirit of patriotism in Alabamians, and although his body is enshrined in Arlington, we know his spirit will be with us; and

WHEREAS, Audie Murphy's bravery, courage, devotion to and love of country and concern for his fellowman have been and will continue to be an example for all Americans to follow both in time of war and in time of peace; and

WHEREAS, The Legislature of Alabama wishes to express its profound sadness and sense of loss upon the death of Audie Murphy;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the death of Audie Murphy has saddened the hearts of Alabamians, and that America has lost one of her true patriots.

BE IT FURTHER RESOLVED That the Legislature requests that a place of honor be reserved for Audie Murphy in the Hall of Honor at American Legion Headquarters in Montgomery, with a copy of this resolution to be displayed there to show the world Alabama claims him as her own.

BE IT FURTHER RESOLVED That the Legislature hereby requests that certain of his personal articles be collected by the Alabama Department of Archives and History there to be kept until duly dedicated to the State of Alabama.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to his widow and children who reside at 1201 Toluca

Road, North Hollywood, California; the President of the United States; and to both Houses of the Congress of the United States.

Approved June 24, 1971.

Time: 11:45 A.M.

Act No. 36

H.J.R. 40—Ellis, Barkett, Wallace

HOUSE JOINT RESOLUTION

Commending Boy Scouts of America and their voluntary Leaders.

WHEREAS, The Boy Scouts of America, on Saturday, June 5, 1971, participated in their national program entitled SOAR, Save our American Resources, in conjunction with National Litter Day, have worked collecting rubbish and trash on our highways and in our communities; and

WHEREAS, Over three thousand Scouts in the Birmingham Area Council alone, collected over three hundred thousand pounds of rubbish; and

WHEREAS, the Boy Scouts of America are to be commended for this worthwhile community effort project; and

WHEREAS, The Legislature of Alabama wishes to recognize these Scouts for their concern about our environment and the beauty of our State.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to express to the Boy Scouts of America and their volunteer leaders our sincere thanks on behalf of the State of Alabama and its citizens.

Approved June 28, 1971.

Time: 3:30 P.M.

Act No. 37

H.J.R. 41—Lutz, King, Hale, Grainger, Hearn

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. DOUGLAS CARROLL MARTINSON.

WHEREAS Mr. Douglas Carroll Martinson, an outstanding member of the Huntsville-Madison County Bar, a veteran of World War II, and an active participant in the social, cultural, political, and religious life, not only of Huntsville and Madison County, but of the whole State of Alabama, recently died; and

WHEREAS Mr. Martinson had contributed most liberally of his time and talent in many civic, philanthropic and educational endeavors, having served as president of the YMCA Men's Club in Huntsville, president of the Lions Club, international counselor of International Association of Lions Clubs, campaign chairman of the Madison County Community Chest, a trustee of Judson College at Marion, a deacon of the First Baptist Church in Huntsville, and as moderator of the Madison Liberty Association of Baptists; and

WHEREAS Mr. Martinson had served as legal counsel to the advisory committee to the Selective Service Training and Service Act for which service he received a certificate of appreciation from President Franklin D. Roosevelt; and

WHEREAS Mr. Martinson was a man whose many interests, unselfish dedication to serving his fellow citizens and the betterment of his community endeared him to his many friends and brought honor and credit to the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deepest regret upon the death of Mr. Douglas Carroll Martinson and we hereby extend our heartfelt sympathy to his widow, his sons, Douglas Claude Martinson and Patrick Jean Martinson, and to his surviving brothers and sisters.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Douglas Carroll Martinson, Mr. Douglas Claude Martinson and Mr. Patrick Jean Martinson all of Huntsville, Alabama.

Approved June 28, 1971.

Time: 3:31 P.M.

Act No. 38

H.J.R. 46—Ellis, Bowers, Weeks, Adwell,
Boutwell, Waggoner, and the
entire membership of the
House

HOUSE JOINT RESOLUTION

PROCLAIMING JUNE 14TH AS FLAG DAY

WHEREAS June 14th of this year is the anniversary of the day Congress adopted the "Star Spangled Banner" with its glorious red, white and blue stars and stripes becoming emblematic of the honor and integrity inherent in our great heritage of sovereign national independence and Constitutional Liberty; and

WHEREAS this day has been designated by the United States Congress as Flag Day; and that body has urged its observance by display of the American flag on private and public grounds; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body believes that Flag Day should be celebrated officially in Alabama and, we hereby petition and urge the Governor to issue a proclamation declaring Monday, June 14, 1971 as United States Flag Day in Alabama.

BE IT FURTHER RESOLVED that we urge the citizens of Alabama to observe this day by proudly displaying the beautiful banner of our country to demonstrate that the people of this state are proud of what it symbolizes, and are proud to be Americans.

Approved June 28, 1971.

Time: 3:32 P.M.

Act No. 39

H.J.R. 50—Crowe, Naramore

HOUSE JOINT RESOLUTION

PRAISING U. S. CONGRESSMAN TOM BEVILL.

WHEREAS, U. S. Congressman Tom Bevill of the 7th Congressional district, a former member of the Alabama Legislature representing Walker County, who now serves the 7th district and the entire State of Alabama with diligence, honor and distinction; and

WHEREAS, Congressman Bevill on the floor of the U. S. Congress did speak honorably and courteously about the Alabama Legislature; and

WHEREAS, Congressman Bevill did rise and speak in defense of the State of Alabama and all its members; and

WHEREAS, he spoke in defense of the arbitrary and unwarranted criticism of the Alabama Legislature by the Citizens Conference on State Legislatures; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere appreciation for his words of confidence and the tribute paid us.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Clerk of the House to Congressman Bevell.

Approved June 28, 1971.

Time: 3:33 P.M.

Act No. 40

H.J.R. 52—Turnham

HOUSE JOINT RESOLUTION

SIDNEY W. JOHNSON OF AUBURN UNIVERSITY, ON THE OCCASION OF HIS RETIREMENT.

WHEREAS Professor Sidney Walton Johnson, who is affectionately known as "Professor Jack" by his many friends and former students throughout the State, retired on March 31, 1970; and

WHEREAS Professor Johnson has taught in Alabama for 49 years, having first taught as a teacher and principal for 4 years in Alabama high schools, and then having taught the last 45 years of his teaching career as a professor of history and government at Auburn University; and

WHEREAS Professor Johnson has taught approximately 23,000 students throughout his long and illustrious career; and

WHEREAS the many friends and former students of Professor Johnson in the Alabama Legislature wish to join his friends, colleagues and former students throughout the State to wish him a long and happy retirement and to commend him on the service he has rendered this State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do wish Professor Sidney Walton Johnson a long and happy retirement and do heartily commend him for the great service he has rendered this State in educating its young people through so many years of loyal, faithful and outstanding service.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Professor Johnson.

Approved June 28, 1971.

Time: 3:34 P.M.

Act No. 41 H.J.R. 53—Falkenburg, Erdreich, Doss

HOUSE JOINT RESOLUTION

COMMENDING SCOUTING ON ITS NATIONAL KEEP AMERICA BEAUTIFUL DAY AND NATIONAL ANTI-LITTER DAY

WHEREAS, on Saturday, June 5, 1971 the Boy Scouts of America cleaned up tons of litter along the public streets, roads and highways of this State which had been deposited there by careless persons; and

WHEREAS, this Anti-litter Drive by the Boy Scouts was the biggest anti-litter project in the history of this nation; and

WHEREAS, the sight of uniformed Boy Scouts picking up litter along the streets, roads and highways of this State served as an inspiration to all adults and as a reminder to them not to litter; and

WHEREAS, the Boy Scouts plan to conduct this program again in 30 and in 60 days; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do commend and congratulate the Boy Scouts on their wonderful Anti-litter Campaign and project.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to distribute copies of this resolution to the news media.

Approved June 28, 1971.

Time: 3:35 P.M.

Act No. 42

H. 207—Gloor, Williams, Wood, Bank,
Hardin, Crawford, Drake,
Adwell, McCluskey, Slate

AN ACT

To provide for state grants to counties, incorporated cities and towns, public boards, districts or other public bodies, for water pollution control projects, the incorporation, organization, functions and powers of the Alabama Pollution Control Finance Authority, as a public corporation, agency and instrumentality of the State, to authorize the Authority to obligate the State to make grants to such local public bodies, to issue its bonds and exercise other corporate powers to aid such local public bodies in obtaining grants under the Federal Water Pollution Control Act; to appropriate the net proceeds of bonds and other funds to the Authority to be used for such grants; to authorize such counties, incorporated cities and towns, public boards, districts or other public bodies to provide for the funding of any grant to such local public body by the Authority by obligating itself to provide funds to pay the bonds issued or to be issued by the Authority to provide for such grants, either on the full faith and credit of such local public body or from a limited source or by levying and collecting and paying over to the Authority fees and charges for the use of its sewers or waste disposal system or facilities or to lease a project from or to the Authority, and otherwise to provide for State assistance to and cooperation with such local public bodies in financing water pollution control projects.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases, whenever used in this Act, shall have the following respective meanings unless the context clearly indicates otherwise:

“Authority” means the public corporation organized pursuant to the provisions of this Act as a public corporation, agency and instrumentality of the State.

“Authorizing Resolution” means a resolution or order adopted by the Board of Directors authorizing the issuance of Bonds by the Authority or providing for an indenture of trust under and pursuant to which its Bonds are to be issued.

“Board of Directors” means the Board of Directors of the Authority.

“Board” means the State Board of Health of the State of Alabama, or the State Committee of Public Health or the State Health Officer, whichever at the time has the authority to act in health matters pursuant to Title 22, Sections 1 - 3, 6, 7 and 9, Alabama Code of 1940, as now or hereafter amended.

“Bonds” means the bonds issued by the Authority under the provisions of this Act.

“Bond Service Charges” with respect to an issue of Bonds means an amount sufficient to pay the principal of and interest on such Bonds as such principal matures and such interest comes due, the fees and expenses of paying such principal and interest or of redeeming such Bonds and, if required by the Authorizing Resolution, payments into a principal and interest reserve fund for the better security of such Bonds.

“Federal Water Pollution Control Act” means the Act of Congress so designated (P.L. 84-660) approved July 9, 1956,

as amended by P. L. 87-88 approved July 20, 1961, P. L. 89-234 approved October 2, 1965, P. L. 89-753 approved November 3, 1966, and P. L. 91-224 approved April 3, 1970 (33 U.S.C. Section 466, et seq., 33 U.S.C. Sections 1151, et seq.) and as such Act may be hereafter amended.

“Local Public Body” means and includes each county, incorporated city or town, public board, district or other public body created by or pursuant to State law and having jurisdiction over the disposal of sewage, industrial wastes, or other wastes. It includes also any combination of two or more of the foregoing having such jurisdiction.

“Project” means the water pollution control project of a Local Public Body to consist of one or more Treatment Works to prevent the discharge of untreated or inadequately treated sewage, industrial wastes or other wastes into any waters, for which a Federal grant has been applied for by such Local Public Body under Section 8 of the Federal Water Pollution Control Act.

“State Health Officer” means the executive officer of the State Board of Health as provided for in Title 22, Section 9, Alabama Code of 1940, as now or hereafter amended.

“State” means the State of Alabama.

“Treatment Works” means the various devices used in the treatment of sewage, industrial wastes or other wastes of a liquid or solid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions and alterations thereof.

Section 2. Legislative Intent. It is the intent of the Legislature by the passage of this Act to enable the State, acting by and through the Authority, to aid in the prevention and control of water pollution, to provide State financial aid or grants to Local Public Bodies for the prevention and control of water pollution, and to these ends to authorize the incorporation of a State Authority with power to issue Bonds and from the proceeds of such Bonds or other funds obtained by the Authority to enable the State to agree to pay and to pay such portion of the estimated reasonable cost of the Projects of each Local Public Body as may be required in order that such Project shall be eligible for the maximum obtainable Federal grant under the Federal Water Pollution Control Act.

Section 3. Power of Incorporate. The Governor, the State Health Officer and the Director of Finance shall become a public corporation with the power and authority hereinafter

provided, by proceeding according to the provisions of this Act.

Section 4. Provisions for Incorporation. The Governor, the State Health Officer, and the Director of Finance shall present to the Secretary of State of Alabama an application signed by them which shall set forth (1) the name, official designation, and official residence of each of the applicants; (2) the date on which each applicant was inducted into office and the term of office of each of the applicants; (3) the name of the proposed corporation, which shall be "Alabama Pollution Control Finance Authority"; (4) the location of the principal office of the proposed corporation; and (5) any other matters relating to the corporation which the applicants may choose to insert and which are not inconsistent with this Act or the laws of the State. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State to take acknowledgments to deeds. If upon examination of the application it is found that it substantially complies with the requirements of this Act, the Secretary of State shall receive and file the application and record it in an appropriate book of records.

Section 5. Consummation of Corporation. When the application has been made, filed and recorded as provided in the preceding section, the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application, whereupon the applicants shall constitute a public corporation, agency and instrumentality of the State under the name proposed in the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation of the Authority.

Section 6. Members, Directors and Officers of the Authority. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall be president of the Authority, the State Health Officer shall be vice-president of the Authority, and the Director of Finance shall be the secretary of the Authority. The State Treasurer shall be the treasurer and custodian of the funds and securities of the Authority but shall not be a member of the Authority. The members of the Authority shall constitute all the members of the Board of Directors of the Authority, which shall be the governing body of the Authority. A majority of the members of the Board of Directors shall constitute a quorum for the transaction of business. Should any person holding any State office named in this Section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor

in office shall take his place as a member, officer or director, as the case may be, of the Authority. No member, officer or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All resolutions and orders adopted by the Board of Directors shall constitute actions of the Authority, and all proceedings of the Board of Directors shall be reduced to writing by the Secretary of the Authority and shall be recorded in a substantially bound book, which shall be kept in the office of the Secretary of State. Copies of such proceedings, when certified by the Secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. Powers of the Authority. The Authority shall have the following powers, among others specified in this Act: (1) to have succession in its corporate name until the principal of and interest on all Bonds issued by it shall have been fully paid; (2) to sue and be sued and to prosecute and defend, at law and in equity in any court having jurisdiction of the subject matter and of the parties; (3) to have and to use a corporate seal and to alter such seal at pleasure; (4) to establish a fiscal year; (5) to acquire in any manner and to hold title to or leasehold interests in real and personal property and to sell, convey or lease the same for the purpose of carrying out its functions and duties hereunder; (6) to construct and operate or lease to or from any Local Public Body any Project; (7) to agree to make and to make State grants to any Local Public Body to assist in financing any Project; (8) to execute agreements effectively obligating the State to pay to a Local Public Body such portion of the estimated reasonable cost of the Project of such Local Public Body as shall be required in order that such Project shall be eligible for the maximum obtainable Federal grant under the Federal Water Pollution Control Act; (9) To borrow money for any corporate purpose; (10) to issue its Bonds as hereinafter provided; (11) to invest the proceeds from the sale of its Bonds pending the use thereof; (12) to make and enter into contracts and agreements in furtherance of its functions and duties under this Act; and (13) to appoint and employ such attorneys, agents and employees as the business of the Authority may require.

Section 8. Authorization of Bonds. For the purpose of providing funds for the State to make grants to Local Public Bodies for a Project or Projects, or for the payment of obligations incurred or temporary loans made for any of said purposes, the Authority is hereby authorized, from time to time, to issue and sell its Bonds, not exceeding in the aggregate principal amount, however, \$25,000,000.00. Such Bonds may be

issued in one or more series, shall be in such form and denominations and of such tenor and maturities, not exceeding 30 years from the date of issue of each series, shall bear such rate or rates of interest, payable and evidenced in such manner, may contain such provisions for registration or for redemption prior to maturity, and may contain such other provisions not inconsistent herewith, all as may be provided by the Authorizing Resolution. As security for the payment of the principal of and interest on its Bonds, the Authority is authorized to pledge, transfer and assign any obligations of each Local Public Body, payable to the Authority and the security for such obligation.

Section 9. Sale of Bonds. The Bonds of the Authority may be sold at such time or times as the Board of Directors may deem advantageous; but unless sold to a Local Public Body or to the United States of America or an agency of the United States of America, such Bonds shall be sold at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the Bonds being sold, computed to their respective absolute maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids and readvertise; and provided, further, that if no bid shall be received, the Authority may negotiate for a private sale of the Bonds. Notice of any public sale shall be given by such publication or by such distribution of notices of sale or both, as the Board of Directors may determine. The Authority may pay from the proceeds of the sale of its Bonds all expenses, including publication and printing charges, attorney's fees, and other expenses which the Board of Directors may deem necessary or advantageous in connection with the authorization, advertisement, sale, execution and issuance thereof.

Section 10. Temporary Financing. In anticipation of the issuance of Bonds, the Authority may borrow such sums as may be needed, not exceeding \$500,000 to be outstanding at any one time, for any of the aforesaid purposes and to obligate itself by certificate or promissory note, bearing interest at a rate or rates to be specified by the Authority, and maturing within eighteen months from date. Such certificates or promissory notes shall be payable solely from the proceeds of the Bonds of the Authority and from the funds from which such Bonds are payable. In the event that State funds are not available for a State grant for a Project when application is made, in order to accelerate the completion of any Project, the Local Public Body may, with the approval of the Authority, obligate such Local Public Body to provide local funds to pay that portion of the cost of the Project which the State will make available by grant, and the State shall refund the amount expended on its behalf by such Local Public Body.

Section 11. Refunding Bonds. The Authority may from time to time and at any time issue and sell its refunding Bonds for the purpose of refunding any matured or unmatured Bonds of the Authority at the time outstanding and any premiums necessary to be paid to redeem any Bonds so to be refunded. The holders of such refunding Bonds shall be subrogated and entitled to all priorities, rights, and pledges to which the Bonds refunded thereby were entitled.

Section 12. Execution of Bonds, Certificates and Notes. The Bonds, certificates and promissory notes of the Authority shall be signed by either its President or its Vice-President, as shall be provided in the Authorizing Resolution, and the seal of the Authority shall be affixed to any Bonds so issued and attested by its Secretary, provided, that a facsimile of the signature of one, but not both, of the officers whose signatures shall appear on the Bonds may be imprinted or otherwise reproduced on any of the Bonds in lieu of his manually signing the same; provided, further that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on any of the Bonds in lieu of being manually affixed thereto. Any interest coupons applicable to the Bonds shall be executed with a facsimile of the signature of the President or the Treasurer as shall be provided in the Authorizing Resolution. In the event that, after any of the Bonds or interest coupons thereunto appertaining shall be signed by any officer of the Authority, whether manually or by facsimile, any such officer shall for any reason vacate his said office, the Bonds and interest coupons so signed may nevertheless be delivered at any time thereafter as the act and deed of the Authority.

Section 13. State Grants Administered by the Authority. The State is hereby authorized to make grants to any Local Public Body to assist such Local Public Body in the construction of a Project. Such grants shall be administered by the Authority. The Authority acting by and through any authorized officer is hereby authorized to enter into an agreement obligating the State to pay such portion of the estimated reasonable cost of the Projects of each Local Public Body as may be required in order that such Project shall be eligible for the maximum obtainable Federal grant under the Federal Water Pollution Control Act.

Section 14. Appropriation of Funds. There are hereby appropriated to the Authority for the purpose of making grants to Local Public Bodies the net proceeds of all Bonds issued by the Authority and any funds provided or made available to the Authority to fund any grant made or to be made hereunder.

Section 15. Applications by Local Public Bodies for Grants. Any Local Public Body which is eligible for Federal aid, grant

or assistance under the Federal Water Pollution Control Act for a portion of the cost of acquiring or constructing a Project may apply also to the Authority for a grant. The application shall describe the Project and state the total estimated cost of the Project, the amount anticipated to be paid by Federal aid or assistance under the Federal Water Pollution Control Act, the amount which the applicant will contribute to the Project, that request is made for a State grant for the remainder of the estimated cost of the Project, and the plan or program proposed for funding such grant. The application shall be accompanied by a certificate or letter from the Alabama Water Improvement Commission or other State agency having authority to submit a State water control plan pursuant to the Federal Water Pollution Control Act, stating that the Project proposed by the applicant is in conformity with the State water pollution control plan submitted pursuant to the Federal Water Pollution Control Act, and is entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

Section 16. Alternative Plans and Programs for Funding Grants by Authority. The plan or program for funding the grant by the Authority to a Local Public Body for a Project may be any one or more of the following, as shall be approved by the Authority:

- (a) An appropriation by the State;
- (b) A grant by a corporation, foundation, fund or agency, public or private, to the State for the purpose of abating water pollution or assisting Local Public Bodies with their Projects; provided that the State shall not receive any grant from a Local Public Body which has received or is to receive a grant for its Project from the State;
- (c) The undertaking by the Local Public Body to levy, collect and pay over to the Authority and to continue to levy, collect and pay over to the Authority sums sufficient to pay Bond Service Charges with respect to the Bonds of the Authority issued to fund a grant for such Project, the proceeds of any one or more of the following:
 - (i) Any sewer or waste disposal service fee or charge;
 - (ii) Any privilege or license tax;
 - (iii) Any special assessment on the property drained, served or benefited by the Project.

The undertaking of the Local Public Body may be payable solely from and limited to, one or more of the sources specified in items (i), (ii) or (iii) above or it may be a general obligation of the Local Public Body additionally secured by a pledge of one or more of such sources.

(d) The levy and collection by the Local Public Body of fees and charges, in addition to all other fees and charges for the use of the sewer system, disposal facilities or Project of such Local Public Body equal to 125 per cent of the maximum principal and interest maturing or coming due in any one year on the Bonds to be issued by the Authority to fund a grant for such Project, and the payment of the proceeds of such fees and charges, less a charge of not exceeding 5 per cent to the Local Public Body or its agent for the expense of collecting such fees and charges, shall be paid as collected to the State Treasurer for the account of the Bonds issued by the Authority to fund the grant for such Project; provided that any moneys over and above those required for the payment of Bond Service Charges in respect of the Bonds of the Authority issued to fund the grant for such Project, shall, on application of the Local Public Body, be refunded by the Authority to the Local Public Body as an additional grant.

Section 17. Power and Authority of Each Local Public Body. In order to provide for the funding of the grant by the Authority for a Project to the Local Public Body, such Local Public Body is hereby authorized and empowered, any existing statute to the contrary notwithstanding, to do and perform any one or more of the following:

(a) To obligate itself to pay to the Authority at periodic intervals a sum sufficient to provide Bond Service Charges with respect to the Bonds of the Authority issued to fund the grant for such Project;

(b) To levy, collect and pay over to the Authority and to obligate itself to continue to levy, collect and pay over to the Authority the proceeds of any one or more of the following:

(i) Any sewer or waste disposal service fee or charge;

(ii) Any privilege or license tax;

(iii) Any special assessment on the property drained, served or benefited by the Project;

(c) To undertake and obligate itself to pay its contractual obligation to the Authority solely from the proceeds from any one or more of the sources specified in items (i), (ii), or (iii) of subparagraph (b) above, or to impose upon itself a general obligation indebtedness to the Authority additionally secured by a pledge of any one or more of such sources;

(d) To levy and collect and to obligate itself to continue to levy and collect for the use of the sewer system or disposal facilities or the Project such fees and charges in addition to all other fees and charges, as shall equal one hundred twenty-

five per cent of the maximum principal and interest maturing and coming due in any one year on the Bonds issued by the Authority to fund a grant for the Project and to pay over such fees and charges to the State Treasurer for the account of such Bonds;

(e) To retain as its expenses for collecting such fees and charges from the users of such system or disposal facilities or Project a charge not exceeding five per cent of the total collected therefrom; to delegate the collection of such fees and charges to any agency which collects sewer or water service charges in the Local Public Body and to pay as compensation for the services to such agency all or any part of such five per cent;

(f) To enter into such agreements, to perform such acts and to delegate such functions and duties as its governing body shall determine to be necessary or desirable to enable the Authority to fund a grant to the Local Public Body to aid it in the construction or acquisition of a Project.

Section 18. State Treasurer's Custody of Funds and Securities. The State Treasurer shall have custody of all moneys or funds paid or delivered to the Authority and shall establish a separate account for each Project of each Local Public Body, and such moneys or funds shall be dedicated and used solely for the payment of any grant by the Authority for the State to such Local Public Body or, in case the Bonds of the Authority shall have been issued to fund such grant, the payment of the principal of and interest on such Bonds, the expenses of such payment and any reserve fund required for such Bonds by the Authorizing Resolution; provided, that if there shall be any surplus funds on deposit in said fund to the credit of the Project of a Local Public Body, then, upon application by such Local Public Body, the State Treasurer may make cash expenditures from such account for any such Project to the extent that moneys are available therefor in any fiscal year of the Authority after there shall have been first set aside therein funds sufficient to provide the principal maturing and interest and reserve fund payments coming due in the ensuing fiscal year on the then outstanding Bonds which have been issued to contribute to the cost of any prior Project or Projects of that particular Local Public Body.

Section 19. Exemption from Taxation. All Bonds of the Authority and the coupons applicable thereto and the income therefrom and all Projects or parts thereof and all assets of the Authority shall be forever exempt from any and all taxation in the State.

Section 20. Bonds and Coupons Constitute Negotiable Instruments. All Bonds issued by the Authority, while not regis-

tered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any Bonds issued by the Authority, while the applicable Bonds are not registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 21. Obligations of Authority Not a Debt of the State. All Bonds, notes and certificates issued by the Authority shall be solely and exclusively obligations of the Authority, payable solely from the revenues, income, fees, charges or rent which may pursuant to the provisions of this Act, be pledged to the payment thereof, and no such Bonds, notes or certificates shall create an obligation or debt of the State. Provided, however, that an agreement by the Authority to make a grant to a Local Public Body for a Project shall impose an obligation on the State to make such grant from any funds which are then or may thereafter become available regardless of the funding of the grant by the Local Public Body and subject only to any terms and conditions set forth in such agreement.

Section 22. Presumption of Validity of Bonds and Publication of Notice Thereof. Each Authorizing Resolution or an indenture of trust provided for therein shall contain a recital that the Bonds therein authorized are issued pursuant to the provisions of this Act, which recital shall be conclusive evidence that said Bonds have been duly authorized pursuant to the provisions of this Act, notwithstanding the provisions of any other law now in force or hereafter enacted or amended. Upon the passage of any Authorizing Resolution, the Authority may, in its discretion, cause to be published once in each of two consecutive weeks in a newspaper published and having general circulation in the City of Montgomery, Alabama, a notice in substantially the following form (the blanks being properly filled in):

"Alabama Pollution Control Finance Authority, an agency of the State of Alabama, on the ____ day of _____, 19____, adopted a resolution providing for the issuance of \$_____ principal amount of Bonds of the Authority. Any action or proceedings questioning the validity of said resolution or said Bonds or the pledges and agreements made in said resolution for the benefit thereof, or the proceedings under which said Bonds, pledges and agreements were authorized, must be commenced within twenty days after the first publication of this notice.

ALABAMA POLLUTION CONTROL FINANCE AUTHORITY

By _____
Its President (or Vice President)"

Any action or proceeding in any court seeking to set aside or invalidate any Authorizing Resolution or to contest the validity of any Bonds therein authorized, or the validity of any pledge or agreement made therefor, must be commenced within 20 days after the first publication of such notice. After the expiration of 20 days following such first publication, no right of action or defense founded upon the lack of validity of the Authorizing Resolution, indenture of trust therein provided for or other proceedings, or of the Bonds or of the pledges or agreements shall be asserted. In the event of such publication the validity of such Authorizing Resolution, indenture of trust, proceedings, Bonds, pledges or agreements shall not be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within such period. Any such action and any action to protect or enforce any rights under the provisions of this Act shall be brought in the Circuit Court of Montgomery County, Alabama.

Section 23. Dissolution of the Authority. When all Bonds issued by the Authority and all obligations made or assumed by it under the provisions of this Act shall have been paid in full, the then officers and directors of the Authority shall at such time file with the Secretary of State a written statement, subscribed and sworn to by each of them, reciting the payment in full of all such Bonds and obligations. Such statement shall be filed with the Secretary of State and recorded with the certificate of incorporation of the Authority, and thereupon the Authority shall stand dissolved. Any property owned by the Authority but leased to a Local Public Body shall become the property of such Local Public Body and any property owned by the Authority and not leased to any Local Public Body shall become the property of the State.

Section 24. Severability Provision. The provisions of this Act are severable. In the event that any section or part thereof is declared invalid, such declaration shall not affect the validity of the parts and sections which remain.

Section 25. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1971.

Time: 3:25 P.M.

Act No. 43

H. 172—Jones (Fred)

AN ACT

To amend further Act No. 106, H. B. 150, Regular Session 1959, an act creating the State Licensing Board for the Healing Arts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 106, H. B. 150, Regular Session 1959, an act creating the State Licensing Board for the Healing Arts (Acts 1959, v. 1, p. 592), as amended, is amended further to read as follows:

"Section 7. Application for license on certificate of qualification.—When any applicant for a license to practice the healing arts, as defined herein, or any branch thereof, has complied fully with all the requirements of the law regulating the practice of any specified branch of the healing arts, including all requirements of the basic science law, if the same are applicable by law to such branch of the healing arts, unless such applicant is exempt from said basic science law, the board in that particular branch of the healing arts shall issue a certificate of qualification to the state licensing board for the healing arts, certifying the qualification of such person as provided in Section 3, and thereafter such applicant may apply to the state licensing board for the healing arts for a license to practice the particular branch of the healing arts for which such certificate indicates his qualification. If the board finds that the applicant is of good moral character, and has been duly certified by a branch board as provided in Section 3 hereof, the board shall issue to such applicant a license unless it appears to the board that there is other good and reasonable cause for refusing to issue such license, it being the purpose and intent of this act to give the state licensing board for the healing arts an over all supervision, discretion and judgment with respect to the issuance of licenses authorizing the licensee to practice the healing arts or any branch thereof within the State of Alabama. The state licensing board for the healing arts shall have the power, and it shall be its duty, to inspect and determine for itself, and in the interest of the state, that each and every certificate of qualification issued by any board authorized by law to receive applications, conduct examinations and make preliminary determination of the qualification of any applicant for a license to practice the healing arts, or any branch thereof, was lawfully issued by such board and truly and correctly certifies all the facts therein contained.

"Each application for a license filed with the state licensing board for the healing arts shall be on forms prescribed by said board, and shall be accompanied by a fee of fifteen dollars (\$15.00)."

Section 2. Section 9 of said Act No. 106 of 1959 is amended to read as follows:

"Section 9. Denial of License—Refund of Application fee.—In the event the State Licensing Board for the Healing Arts

determines that the application of any person for a license should be denied, the board shall promptly, upon reaching its decision, notify the applicant of its action, and such notice shall contain the reason for the board's denial of the application. In all cases where an application is denied, the board is empowered to decide if the fee of fifteen dollars (\$15.00) which accompanied the application for license should be refunded, and no applicant shall have the right to recover any part of such fee accompanying his application for license, the board being empowered to retain all of said fee in order to reimburse the state for expenses incident to an investigation of the applicant and the credentials certified to the State Licensing Board for the Healing Arts."

Section 3. Section 11 of said Act No. 106 of 1959 is amended to read as follows:

"Section 11. Application for Annual Registration.—Every person licensed to practice any branch of the healing arts in the State of Alabama shall on or before the 31st day of December of each succeeding year apply to the board for a certificate of registration which shall be effective during the next calendar year. All new licenses issued by the State Licensing Board for the Healing Arts, upon application and payment of the registration fee hereafter provided, shall be registered by the board at the time of issuance and a certificate of registration, which shall be effective until and including the following December 31st, shall be issued to the licensee. Each application shall be made on a form to be furnished by the board. Such application shall give the applicant's name in full, his address, the date and number of the license issued to such applicant for the practice of the healing arts or any branch thereof, and such other facts as shall tend to identify the applicant for registration and his license as the board shall deem necessary. Each applicant for registration shall submit with his application a check or cash in the amount of ten dollars (\$10.00) as a registration fee; provided, that the registration fee for a period of less than six (6) months shall be five dollars (\$5.00). When any licensee shall fail to register and pay the annual registration fee within thirty (30) days after registration become due, as provided in this section, the license of such person shall be automatically revoked without further notice or hearing; provided, that any person whose license is automatically revoked as provided herein may make application in writing to the State Licensing Board for the Healing Arts for the reinstatement of such license and the board shall reinstate such license upon the payment of all past due renewal fees, and upon the further payment of the sum of twenty dollars (\$20.00)."

Section 4. This Act shall take effect immediately upon its enactment.

Approved June 29, 1971.

Time: 3:27 P.M.

Act No. 44

S.J.R. 28—Cook

SENATE JOINT RESOLUTION

RESOLUTION TO PETITION FOR AN INVESTIGATION OF AIR TRAVEL IN ALABAMA

WHEREAS there exists in the judgment of the Alabama Legislature on behalf of the air traveling citizens of this State, an inadequate air transportation service in and out of the major cities of Alabama, and;

WHEREAS, most existing schedules to major cities without the State require the traveling public to endure inconvenient and time consuming routing through Atlanta, Georgia, and;

WHEREAS, the nature of air service is so regulated to provide service where the need exists and not determined altogether by the economic justification of each flight, and;

WHEREAS, the people of Alabama are entitled to adequate service in and out of the State under the supervision and control of the Civil Aeronautics Board, and;

WHEREAS, the scheduled air service should be thoroughly examined by Federal officials to determine the adequacy of service in and out of the major cities of Alabama as presently served by the regularly scheduled airlines.

NOW, THEREFORE, BE IT RESOLVED, that the Legislature of Alabama, both Houses thereof concurring, does hereby petition the Civil Aeronautics Board to conduct a full investigation of the adequacy of scheduled air service in and out of the cities of Alabama to include: (1) frequency of direct and indirect flights by existing air lines, (2) the possible need for additional service via non-existent routes of present carriers, (3) the possible need for additional carriers to establish connections in Birmingham, Huntsville, Montgomery and Mobile, (4) the possible need for additional service through any method deemed appropriate by the Civil Aeronautics Board; and

BE IT FURTHER RESOLVED, that the Alabama Attorney General join in this petition to the Civil Aeronautics Board for an investigation into the apparent discrimination of Alabama citizens by the regulated air carriers presently serving the State; and

BE IT FURTHER RESOLVED, that the Alabama Congressional and Senatorial Delegations are also hereby asked to join in this petition on behalf of Alabama citizens, and;

BE IT FURTHER RESOLVED, that the Governor of Alabama be asked to join in this petition by virtue of his signature to this Resolution and any other means he so chooses, and;

BE IT FURTHER RESOLVED, that if the Civil Aeronautics Board, in its best judgment, does initiate an investigation into the number of schedules, frequency of schedules, the number of carriers, and the present origin and destination of all flights, that such investigation should include oral hearings for the benefit of those in the State desiring to be heard before making any final determination, and;

BE IT FURTHER RESOLVED, that the Secretary of the Senate mail a certified copy of this Resolution to the Civil Aeronautics Board, the Alabama Congressional and Senatorial Delegation, the Governor of the State of Alabama and the Attorney General of the State.

Approved June 29, 1971.

Time: 5:45 P.M.

Act No. 45

S.J.R. 31—Register, Owen, Cooper

SENATE JOINT RESOLUTION

RELATIVE TO THE LEGISLATIVE INTENT IN CONNECTION WITH THE PROPOSED LEVY ON SOY BEAN PRODUCERS.

WHEREAS the farm income derived from soy beans in Alabama is substantial and the production of soy beans and industries related thereto affects a great many Alabamians; and

WHEREAS in 1960 there were only 135,000 acres in Alabama planted in soy beans and there were 3,240,000 bushels of such beans harvested that year and in 1970 there were 609,000 acres planted to soy beans and the harvest was 14,312,000 bushels; and

WHEREAS grain elevators have been constructed and facilities for handling soy beans at the State Docks in Mobile have been greatly improved so that it will behoove farmers of Alabama to produce still more soy beans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the sole purposes of Senate Bill No. 130 and Senate Bill No. 131 and of House Bill No. 2, House Bill No. 3, Senate Bill No. 17 and Senate Bill No. 18 are to promote the production, distribution, improvement, marketing, use and sale of soy beans and soy bean products to the end that the economy of the State and particularly the farmers thereof will be improved.

BE IT FURTHER RESOLVED That the Legislature hereby directs the Commissioner of Agriculture and Industries to contract with any agency he deems appropriate in order to accomplish the above avowed purposes.

BE IT ALSO RESOLVED That the Legislature hereby specifically declares that it is not its intention to dictate what agency shall get any contract relative to the promotion, distribution or improvement of the marketing procedures or the use or improvement of soy beans or products derived therefrom, and it hereby disclaims any intention to show any preference for any agency or method of promoting the soy bean industry, or to show any favoritism in the awarding of contracts relative to the expenditure of any funds that may accrue from the levying of the assessments authorized in the above cited proposed bills relative to the levy by producers of soy beans of an assessment on themselves to promote and expand the production of soy beans in the state and of industries related thereto.

Approved June 29, 1971.

Time: 5:46 P.M.

Act No. 46

H. 445—Hale, King, Lutz, Grainger,
Hearn

AN ACT

To authorize the Madison County Commission to provide for the relief of Howard Childers.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized to provide disability benefits for Howard Childers who was blinded on November 5, 1969 while in the performance of his official duties as a deputy sheriff of Madison County. Said county commission shall be authorized to compensate the said Howard Childers \$18,800, which is the same amount as he would receive if he were entitled to workmen's compensation for permanent total disability as defined in Code of Alabama

1940, Title 26, Section 279(E), as amended. All payments of such compensation shall be paid out of the general fund of Madison County upon the warrant of the chairman of the county commission that such payment is due.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1971.

Time: 4:45 P.M.

Act No. 47 H.J.R. 10—Stewart, Flipppo, Erdreich, Merrill,
Doss, Parker (H), Roberts, Meeks,
Adwell, Cauthen, Wynot, Kinsey,
King, Carnes, Stokes, Nettles,
Lutz, Grainger, Wood, Baker,
Carter, Hale, Gray, Casey,
McCluskey, Coshatt, Cherner,
Gloor, Waldrop, Chesnut, Bank,
Ellis, Boutwell, Naramore, Cross,
May, Benton, Wise, Harris, Perloff

HOUSE JOINT RESOLUTION

Ratifying the proposed amendment to the Constitution of the United States granting citizens eighteen years of age or over the right to vote in State elections.

WHEREAS, the 92nd Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

“JOINT RESOLUTION

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part

of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

“ARTICLE

“Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

“Section 2. The Congress shall have the power to enforce this article by appropriate legislation.”

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That:

1. The proposed amendment to the Constitution of the United States as herein shown be and the same is hereby ratified.

2. Duly authenticated copies of this resolution shall be forwarded by the Clerk of the House to the Administrator of General Services, Washington, D.C. and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Approved June 30, 1971.

Time: 10:25 P.M.

Act No. 48

S. 211—Pierce

AN ACT

To amend Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended (which relates to industrial development boards), so as to clarify the provisions thereof as to the character of projects that may be acquired, constructed and leased thereunder, so as to clarify and make further declarations as to the legislative intent of the said act, and so as to provide that boards organized under the said act and their contracts shall be exempt from the provisions of Act No. 217 adopted at the 1967 Special Session of the said Legislature, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended, is hereby amended so that the said section shall read as follows:

Section 1. Definitions. Wherever used in this act, unless a different meaning clearly appears in the context, the following

terms, whether used in the singular or plural, shall be given the respective interpretations set forth in this section.

“Corporation” means any corporation organized pursuant to the provisions of this act.

“Municipality” means any incorporated city or town in this state with respect to which a corporation may be organized.

“Project” means any land and any building or other improvement thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof; (a) any industry for the manufacturing, processing or assembling of any agricultural, manufactured or mineral products; (b) any commercial enterprise in storing, warehousing or distributing any products of agriculture, mining or industry; and (c) any enterprise for the purpose of research in connection with (i) any of the foregoing, (ii) the development of new products or new processes, (iii) the improvement of existing products or known processes, or (iv) the development of facilities for the exploration of outer space or promotion of the national defense; but does not include facilities designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities. A project may consist of or include any facility necessary or appropriate for use by any industry or enterprise of the character described in the first sentence of this paragraph, including, without limiting the generality of the foregoing, (i) office facilities designed for use by any such industry or enterprise not only in connection with its operation in this state, but also for use by it as national, regional or divisional offices in the management and supervision of its manufacturing, processing, assembling, storing, warehousing, distributing, selling or research operations, wherever located, and (ii) facilities for, or useful in, the control, reduction, abatement, or prevention of pollution of air or water, or both.

“Governing body” means the board or body in which the general legislative powers of the municipality are vested.

Section 2. Section 2 of the said Act No. 648, as heretofore amended, is hereby amended so that the said Section 2 shall read as follows:

Section 2. Legislative intent. It is the intent of the legislature by the passage of this act to authorize the incorporation in the several municipalities in this state of public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties, to the end that such corporations may be able to promote industry, develop trade, and further the use of the

agricultural products and natural and human resources of this state and the development and preservation of the said resources, by inducing manufacturing, industrial, commercial and research enterprises (a) to locate in this state, (b) to enlarge, expand and improve existing operations in this state, or (c) to relocate in or within twenty-five miles of the same municipality in this state, operations theretofore conducted at a site all or a major portion of which may have been acquired for one or more public purposes by the United States of America, the State of Alabama, or any branch, arm, agency, instrumentality or political subdivision of either, whether by purchase, through the exercise of the power of eminent domain (whether or not a final decree of condemnation shall have been entered), or by other means. It is the further intent of the legislature by the passage of this act to vest such public corporations with all powers that may be necessary to enable them to accomplish such purposes. It is not intended hereby that any such corporation shall itself be authorized to operate any such manufacturing, industrial, commercial or research enterprise. This act shall be liberally construed in conformity with the said intention.

Section 3. The said Act No. 648, as heretofore amended, is hereby amended by adding thereto, immediately following Section 15 thereof, the following Section 15A:

Section 15A. Exemption from Competitive Bid Law. The corporation and all contracts made by it shall be exempt from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama, as amended, which provides for competitive bids in connection with certain contracts.

Section 4. This act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved June 30, 1971.

Time: 5:10 P.M.

Act No. 49

S.J.R. 29—Clark

SENATE JOINT RESOLUTION

RESOLUTION MOURNING THE DEATH OF MR.
HENRY DELAMAR WATSON OF CLAYTON.

WHEREAS Mr. Henry Delamar Watson one of the outstanding citizens and business leaders of Barbour County passed away June 8, 1971, in a Birmingham hospital, and

WHEREAS Mr. Watson is survived by his wife the former Mary Emma Norton, his son H. D. Watson, Jr., two sisters, one brother, and three grandchildren, and

WHEREAS Mr. Watson was a faithful member of the United Methodist Church in Clayton, having served on the official board, and he was a member of the Methodist Mens Club, and

WHEREAS Mr. Watson was a member of a number of civic organizations including the Rotary Club, the Masonic White Heart Lodge No. 10, and

WHEREAS He was a member of a large and prominent Barbour County family and the brother of the late Billy Watson who was a stalwart in Alabama politics for many years, and

WHEREAS He is greatly mourned by the many citizens of the state and the members of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this distinguished citizen and to pass this resolution as a memorial to the exemplary life of this outstanding man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Secretary of the Senate to his widow and family.

Approved June 30, 1971.

Time: 5:11 P.M.

Act No. 50

S. 280—Wilson

AN ACT

To further amend Act No. 103, H. 372, Regular Session 1963 (Acts 1963, v. 1, p. 486), an Act fixing the compensation of the Walker County superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 103, H. 372, Regular Session 1963, as amended, an act fixing the compensation of the county superintendent of education of Walker County (Acts 1963, v. 1, p. 486) is hereby further amended to read as follows:

“Section 1. The superintendent of education of Walker County shall be entitled to receive for the performance of his

duties an annual salary and such other allowances as may be set by the county board of education, which salary and allowances shall be paid in equal monthly installments out of the public school funds of the county. This amount shall not be less than \$14,500 nor more than \$18,600. This shall be set by the County board."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1971.

Time: 5:05 P.M.

Act No. 51

S. 326—Lindsey

AN ACT

Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal decennial census, the salary of the County Superintendent of Education of said County shall be fixed by the County Board of Education at an amount equal to twenty-five percent more than the salary of the highest paid employee of said County School System, and shall be paid in the same manner as the general law of the State provides the salaries of County Superintendents of Education in the several counties shall be paid. The Board of Education of said County may allow the County Superintendent of Education traveling expenses, not to exceed the sum of \$2400 per annum, payable in equal monthly installments, for travel performed by him within the State incident to the duties of his office.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1971.

Time: 5:08 P.M.

Act No. 52

H. 302—Adams, Brassell, Turnham
AN ACT

Relating to municipalities having a commission form of government and having populations of not less than 20,000 nor more than 32,000 according to the most recent federal decennial census; to provide further for the election of the commissioners in such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any municipality having a commission form of government and having a population of not less than 20,000 nor more than 32,000 according to the most recent federal decennial census.

Section 2. In any municipality to which this act applies the successor to the commissioner whose term expires in 1971 shall be elected for a term of two years; the successor to the commissioner whose term expires in 1972 shall be elected for a term of one year. In 1973 and every four years thereafter the three commissioners in those municipalities to which this act applies shall be elected for terms of four years. It being the purpose of this act to provide that the commissioners in any such municipality serve concurrently for terms of four years beginning with the election of such commissioners in 1973.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act are supplemental. It shall be construed in *pari materia* with other laws relative to the election and terms of the governing bodies of certain municipalities; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1971.

Time: 5:07 P.M.

Act No. 53

H. 510—Gloor, Falkenburg, McBride, Dill,
Jones (E), Boutwell, Waggoner,

Boles, Cherner, Wallace, Doss,
Weeks, Parker (H), Erdreich,
Meeks, Bowers, Ellis, Timmons,
Gafford, Adwell

AN ACT

To amend Title 14, Section 245, Code of Alabama 1940, which prohibits minors from playing pool in poolrooms.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 14, Section 245, Code of Alabama 1940 is hereby amended so as to read as follows:

“Section 245. It shall be unlawful for any person to play billiards, or to be permitted to remain in a billiard room, for any purpose, who has not reached the age of twenty-one years, unless accompanied by a parent or guardian. In the event the keeper of a billiard room is of the opinion any person desiring admission thereto is under the age of twenty-one years, he shall require such person to certify his age in writing, and it is hereby made a misdemeanor, punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars for any minor to make false certificate as to his age, provided, however, that in any county having a population of 500,000 or more according to the most recent federal decennial census, any person sixteen years of age or older may play billiards and be permitted in any billiard room where no alcoholic beverages are sold in an adjacent or connecting room or building.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 7, 1971.

Time: 5:05 P.M.

Act No. 54

H. 33—Jackson, Wise

AN ACT

Relating to Covington County, Alabama; creating the office of clerk-secretary to the Judge of the 22nd Judicial Circuit, District Attorney of the 22nd Judicial Circuit, and the Judge of the Intermediate Court of Covington County, Alabama; providing for the appointment of said clerk-secretary; prescribing the duties and authority of said clerk-secretary, and fixing the compensation of said clerk-secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. In Covington County there is hereby established the office of clerk-secretary to the Judge of the 22nd Judicial Circuit of Alabama; to the District Attorney of the 22nd Judicial Circuit of Alabama; and to the Judge of the Intermediate Court of Covington County, Alabama.

Section 2. Immediately upon the passage of this act and its approval, the Judge of the 22nd Judicial Circuit of Alabama shall appoint a clerk-secretary who shall serve at the pleasure of the said Circuit Judge, and the said clerk-secretary may be removed from office at any time by the said Circuit Judge.

Section 3. The said clerk-secretary shall do all of the clerical and secretarial work required of such clerk-secretary by the Circuit Judge of said 22nd Judicial Circuit of Alabama, the District Attorney of the 22nd Judicial Circuit of Alabama, and the Judge of the Intermediate Court of Covington County, Alabama, and shall keep such records and perform such other duties pertaining to the office of the Circuit Judge, District Attorney, and Judge of the Intermediate Court of Covington County, as such clerk-secretary shall be instructed or required to do by the said Circuit Judge, District Attorney, or Judge of the Intermediate Court of Covington County, Alabama. The said clerk-secretary shall have the same authority now possessed by clerks of the circuit courts of Alabama to administer oaths.

Section 4. The said clerk-secretary shall receive a salary to be fixed and determined by the County Commission of Covington County, Alabama, which said salary shall in no event be less than three thousand six hundred dollars per annum, and it shall be payable in monthly installments out of the general fund of Covington County, Alabama.

Section 5. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 6. All laws or parts of law which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:00 A.M.

To set the compensation for jurors serving in the circuit court of Etowah County.

Be It Enacted by the Legislature of Alabama:

Section 1. All jurors serving in the circuit court of Etowah County are entitled to ten dollars for each day's services. The clerk of the circuit court of the county shall give each juror a certificate, stating therein the number of days he has served and the amount of compensation to which he is entitled. The certificate shall be payable out of the Etowah county treasury.

Section 2. No juror shall be entitled to any other or further compensation for services or expenses except as hereinabove provided.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:03 A.M.

Act No. 56

H. 377—Cross, Carter

AN ACT

To create an inferior court for Lawrence County in lieu of the county court, defining its jurisdiction, providing for its officers and prescribing their powers and duties, and abolishing the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Lawrence County a court with county-wide limited jurisdiction. The court shall be known as the "Intermediate Court of Lawrence County." It shall not be a court of record, but all papers and documents filed in such court shall be kept for public inspection.

Section 2. (a) Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, cases, and actions cognizable before the circuit court, or a county court, or justices of the peace court or courts created in lieu thereof, and the juvenile court, as provided by general laws. However, the procedure in juvenile

cases shall be prescribed for juvenile cases as provided in Alabama Code, Title 13, Chapter 7. The jurisdiction of the court with respect to juvenile cases shall be exclusive.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of actions of ejectment or actions in the nature of ejectment or of any civil action, nor take cognizance of any matter or proceeding in equity.

Section 3. (a) The judge of the court shall be a resident citizen and a qualified elector of Lawrence County at the time of his appointment or election, and shall reside in the county during his continuance in office, and shall be learned in the law, and shall be a member of the Bar of Alabama.

(b) Immediately after the effective date of this Act, the Governor shall appoint a qualified person as Judge of the Court, and shall issue a commission to him as such judge. He shall hold office until a successor is elected as provided hereinafter.

(c) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of state and county officers in 1972, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(d) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution, in the manner provided by law.

(e) In the event of a vacancy in the office of judge, the Governor shall appoint a qualified person as judge and the person so appointed shall hold office for the unexpired term.

(f) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 124, Title 13, Code 1940.

(g) The judge shall receive a salary of \$6,300 per annum, payable out of the general funds of the county in equal monthly installments as the salaries of other county officers are paid.

(h) The judge shall have authority to: 1) administer oaths and take acknowledgements; 2) issue search warrants; 3) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon judges of county courts, juvenile courts, and justices of the peace, including that of magistrate on preliminary examinations.

(i) The judge shall have an office in the county courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished, and provided at the expense of the county with such office supplies, stationery, stamps, furniture, fixtures, and other materials as may be necessary for the transaction of the business of the court, subject to approval of the board of revenue or other like governing body of the county.

(j) In the absence of the regular judge, the clerk of court may, if no special judge has been appointed, accept a defendant's written, sworn plea of guilt and assess against such defendant such fine and costs as may be authorized by law and any judgment so rendered by the clerk shall have the same force and effect as a judgment rendered by the judge of the court.

(k) The judge may appoint a secretary, whose compensation shall be a salary of \$175 a month, payable from the general funds of the county.

Section 4. (a) The court shall be open for transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court shall be held at the county courthouse. Regular sessions for the trial of criminal cases shall be held on the first Monday in each month, and on the third Monday of each month there shall be a call of the docket of the court for the handling, trial and disposal of criminal cases where the defendant has been confined in jail for five days or more and has failed to make bond, and of such other criminal cases in which the defendant shall request a trial in time for the witnesses to be summoned and caused to appear at the trial. Special sessions may be held at such times as the judge shall designate. Sessions may continue as long as may be necessary for the court to complete its business. The judge may fix reasonable hours for the holding of court.

Section 5. The sheriff shall attend the sessions of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the county court or the circuit court.

Section 6. The county solicitor elected as provided in Section 6 of Act No. 620, H. 1002, approved November 19, 1959 (Acts 1959, v. 2, p. 1524) shall be the solicitor of this court. Said solicitor shall attend all sessions of said court and do and perform all duties of a solicitor therein and in addition shall attend and represent the State at all preliminary hearings therein and shall do and perform all duties required of a deputy solicitor by Code of Alabama 1940, Title 13, Section 256. He

shall have the power and authority to sign and issue all warrants returnable to this court and to administer all oaths and take acknowledgments and affidavits in connection therewith. He shall, under the supervision of the District Attorney, prosecute, or assist in the prosecution of, all cases appealed from this court to the circuit court. For such services, he shall be entitled to receive as compensation for his services as solicitor of this court the same fees, commissions, percentages, allowances, and other compensation that are or may hereafter be, allowed to solicitors in the State of Alabama.

Section 7. (a) The circuit clerk of Lawrence County shall be the ex officio clerk of the court. He shall be entitled to receive as compensation for his services as clerk of this court the same fees, commissions, percentages, allowances, and other compensation that are or may hereafter be, allowed to circuit clerks in the State of Alabama. In making his settlement with the state or county, as the case may be, the clerk shall retain such fees, commissions, percentages or allowances from any monies collected as fees, fines and costs in said court. He shall have authority to purchase at county expense, subject to the approval of the county governing body, such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the court. Before entering upon the performance of his duties as clerk of this court, he must give bond as required by law for clerks of county courts.

(b) It shall be the duty of the clerk to keep all the files and dockets of the court in an orderly manner and perform all other duties required by the judge.

(c) The clerk shall have power and authority: (1) to administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments and releases, making the same returnable to the court hereby established; (3) to approve bonds in criminal cases, including appeal bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of the county courts.

Section 8. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 9. (a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the county courts, which fees and allowances

shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit court.

(b) In addition to the fees for witnesses, the court shall have authority to tax costs and fees for the use of the officers of the county as follows: (1) In each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in justice courts; (2) in every other criminal case, the same as in county courts, including fees as provided by Section 37, Title 11, Code 1940, except as provided hereinafter in Section 11.

(c) A trial tax of five dollars (\$5.00) shall be collected for the use of the county in each criminal case.

(d) No costs shall be taxed in juvenile cases.

Section 10. Prosecutions may be commenced in the court upon sworn complaint made to the judge or clerk of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, or upon sworn complaint made as prescribed by Code 1940, Title 13, Section 327. The case shall be docketed for trial, and the trial shall be held and conducted as trials are conducted in the county courts.

Section 11. Any party may appeal from a judgment rendered against him to the circuit court by giving written notice within five days after rendition of the judgment and execution of a bond, with sufficient sureties, for payment of costs in the case, in both the intermediate court and the circuit court. Upon giving such notice and bond for costs, execution on the judgment shall be stayed pending the appeal to the circuit court. Such appeals shall be governed by Article 6, of Chapter 3, Title 13, Code of Alabama 1940, except as herein otherwise provided.

Section 12. The judge of the court shall have the power to punish for contempt in all cases where the judges of the circuit courts of this State may punish for contempt, be fined not exceeding fifty dollars (\$50.00) and by imprisonment not to exceed five days, or by both fine and imprisonment.

Section 13. The county court of Lawrence County is hereby abolished, and all cases pending in such abolished court when this act becomes effective shall be transferred from the docket of that court to the new court created by this act. The cases thus transferred shall proceed in the new court as though begun therein. This court shall have the same power to control judgments rendered by the abolished court and to issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are repealed.

Section 16. This act shall become effective on the first of the month next following its approval by the Governor or its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:05 A.M.

Act No. 57 H. 438—Perloff, Therrell, Collins, Downing,
Stokes, Roberts, Nettles, Wood,
Callahan, Lyons

AN ACT

Relating to Mobile County; authorizing the Board of Health of said county to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Health of Mobile County is hereby authorized to charge and collect any fee it deems necessary and proper for any service rendered by its officers, employees or agents in the performance of duties, functions, and programs required by law or by regulation of the county or state board of health. The Board of Health of Mobile County may fix a schedule of such fees which shall cover the amount of expense involved in performing each service, and may change such schedule as it deems proper. The provisions of this act shall not apply to fees charged for services rendered in connection with vital statistics.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:08 A.M.

Act No. 58 H. 450—Callahan, Nettles, Stokes, Roberts,
Downing

AN ACT

To provide a procedure for the reduction of the corporate limits of the City of Prichard, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to the City of Prichard, Alabama.

Section 2. The residents of any area in Sections One (1), Two (2), Three (3), Ten (10), Eleven (11), Twelve (12) and Thirty-Seven (37) of Township 3 South, Range 2 West, and Section Seven (7) of Township 3 South, Range 1 West of Mobile County, Alabama, may, at any time before the expiration of three years from the date of the enactment of this Act, file a petition with the Judge of Probate of Mobile County, asking that an election be called to determine whether or not the area described in the petition shall remain a part of the corporate limits of Prichard. The petition filed with the probate judge must be signed by at least fifty percent of the qualified voters residing within the area described in the petition, and the area must contain at least one hundred sixty acres, and must not leave any territory remaining within the corporate limits non-contiguous. A map or plat shall be filed with the petition showing the boundaries of said city and the area proposed to be excluded therefrom.

Section 3. Upon the presentation of such a petition, accompanied by a map or plat, the Judge of Probate shall file the same and shall give notice of the holding of such election by publication in some newspaper published within said city or Mobile County, one publication thereof for at least seven days being sufficient; which notice shall state the day on which such election is to be held, describing the area proposed to be excluded and stating that a map of such territory is on file in the office of the Judge of Probate of Mobile County, open to public inspection.

Section 4. Such election shall be held at the regular voting place within the territory proposed to be excluded from the corporate limits, if there is one, or such other location as may be designated by the Probate Judge. Only electors residing within such territory shall have a right to vote in said election.

Section 5. The election to determine whether or not the area shall be excluded from the corporate limits of said city shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as changed by the provisions of this Act. The following words shall be written or printed on the ballot; "For exclusion from the corporate limits." and "Against exclusion from the corporate

limits". The Judge of Probate shall appoint the inspectors, clerks and a returning officer to hold said election, and the inspectors, as soon as the polls are closed must ascertain and certify the result of the election to the Probate Judge and deliver the same to the returning officer, who must at once return the same to the Judge of Probate and the Judge of Probate must canvass the returns as made by the inspectors and if it appears that a majority of the votes cast at the election were "For exclusion from the corporate limits", the Judge of Probate must make and enter an order on the record of the probate court adjudging and decreeing that the corporate limits of said city are reduced by excluding therefrom the territory as defined in the petition and designated on the plat or map attached thereto, and that the legal corporate limits of said city are the same as those of the city prior to the election, excluding therefrom the area described in the petition and shown on the map attached thereto.

Section 6. If a majority of the votes cast at the election were "Against exclusion from the corporate limits", then the limits of the city remain unchanged and the Judge of Probate shall enter an order dismissing the petition.

Section 7. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of justice of the peace, making the city the contestee.

Section 8. The City of Prichard shall pay all costs and expenses incident to such election.

Section 9. The Judge of Probate for services rendered under the provisions of this Act shall be entitled to a fee of twenty dollars. All other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law, and the City of Prichard shall pay the same, except in the case of a contest as herein provided, the cost of such contest to be paid by the party against whom such contest is decided.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:10 A.M.

Act No. 59

H. 490—Connell, Crawford

AN ACT

To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved August 20, 1965; Act No. 601, Regular Session, approved September 8, 1967.

Be It Enacted by the Legislature of Alabama:

Act No. 103, H. 363, approved June 18, 1953 (Acts of Alabama 1953, pages 145-154) which provides for the establishment of a City of Dothan Pension and Retirement System, is hereby amended to read as follows:

Section 1. There is hereby established for the City of Dothan, hereinafter called the "City", a Pension and Retirement System, hereinafter called the "System", which shall exist and be maintained for the benefit of the persons hereinafter named, the funds for which shall be derived and raised in the manner hereinafter provided.

Section 2. MEMBERSHIP. The membership of the System shall be composed as follows:

(1) All persons who are employees and retired employees of the City of Dothan on the date of the enactment of this Act.

(2) All persons who become employees after the date of the enactment of this law, their becoming members to be a condition of their employment. Elected Officials, City Attorneys, the City Recorder, independent contractors, and temporary employees employed for less than ninety (90) days shall not be eligible for membership.

(3) Employees drafted or entering directly into the Armed Forces of the United States during a national emergency, provided such employee does not withdraw his contributions as provided in Section 4 (1), and provided such employee returns to the service of the City within one (1) year after having been honorably discharged from the Armed Forces, and such employee avails himself of the first opportunity for discharge or release from the service following the cessation of hostilities, which return to the service of the City during this period of one (1) year after such honorable discharge or release shall entitle such employee to credit for continuous service toward the attainment of conditions required for retirement or benefits.

Section 3. PENSION BOARD.

(1) There is hereby created a Pension Board who shall act as Trustees, and in whom is vested the general administration

and management of the System, and the making effective the provisions of this Act. The members of the Pension Board, all of whom shall serve without compensation, shall consist of the Mayor and/or President of the Board of Commissioners of the City, Chairman of the City Board of Education, the City Attorney, the Treasurer of the City of Dothan, who shall be the "Treasurer of the System and be bonded as required by the Pension Board, and an Employee-Department Head to be chosen by other Employee-Department Heads.

(2) The Mayor shall act at all times as Chairman of the Pension Board, and in his absence, the majority of the Board shall elect a Chairman to act in his stead. A majority of the Board shall constitute a quorum for the transaction of business, and any action taken shall be approved in writing by not less than three (3) of its members. The Pension Board shall hold such meetings as are necessary to transact its business, and in any event not less than one (1) meeting each three (3) months. The City Clerk shall act as Secretary of the Pension Board and shall give sufficient notice to its members of all meetings called by its chairman and shall keep a written minute record of all meetings, and shall attest all official written documents of the board, which shall be written into the official document records of the City Clerk's Office. All necessary accounting records shall be kept under the supervision of and in the office of the Clerk-Treasurer of the City, and the necessary clerical expense and supplies for keeping required records shall be deemed as an authorized expenditure from the general funds of the City. Payments from funds shall be made by check drawn by the Clerk-Treasurer and countersigned by the Chairman, after having been authorized and directed by the Board as shown in the minutes.

(3) **OATH OF OFFICE OF THE PENSION BOARD MEMBERS.** All members of the Pension Board, as trustees for the System, within ten (10) days after his appointment or election, shall take an Oath of Office that he will diligently and honestly administer the affairs of the Pension Board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the System. Such oath shall be subscribed to by the members making same, certified by the official before whom it is taken, and immediately filed in the Office of Probate Judge of Houston County.

Section 4. THE METHOD OF FINANCING AND COMPOSITION OF FUNDS. All of the assets of the System shall be accounted for according to the purpose for which they are held among three (3) funds, namely, the Annuity Fund, the Pension Accumulation Fund and the Retirement Fund.

(1) The Annuity Fund shall be a fund in which shall be accumulated contributions from the compensation of members. Contributions to and payments from the Annuity Fund shall be made as follows:

(a) Five per cent (5%) to be deducted from each member's pay on each and every payroll. Each member, as a condition of his or her employment, shall be deemed to consent and agree to the deduction provided for herein and the payment of such salary or compensation less such deductions shall be a complete and full discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefit provided under this Act. The deductions herein provided for shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Each amount so deducted shall be paid into the Annuity Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(b) Membership in the System is canceled upon termination of employment, and upon such termination the amount of the deduction made from such employee's compensation shall be refunded out of the Annuity Fund on the following basis and conditions:

Members employed five years and less, all annuity payroll deductions, less ten percent (10%) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

Members employed over five (5) years and less than ten (10) years, all annuity payroll deductions, less five percent (5%) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

Members employed ten (10) years and over, all annuity payroll deductions, less two and one-half percent (2½%) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

Upon termination by death, all annuity payroll deductions shall be returned to the properly designated beneficiary of the member without any charge or deduction being made for protection as mentioned above.

(c) Upon the termination of employment and membership in the System, the amount deducted from the refund to such

employee as provided in Sub-Section (b) above, shall be transferred into the Retirement Fund hereinafter provided for.

(d) Upon the retirement of any employee-member of the System, the amount of the annuity funds accumulated or deposited to the credit of such retired employee, shall be transferred and credited to the individual account of the retired member in the Retirement Fund. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the system.

(2) **PENSION ACCUMULATION FUND.** The Pension Accumulation Fund shall be a fund into which the City of Dothan shall deposit each month a sum equal to the payroll annuity deductions from employee-members' salaries.

(a) Upon the termination of employment and membership in the System, the amounts deposited into the Pension Accumulation Fund to the credit of such employee terminating employment and membership shall be transferred from the Pension Accumulation Fund into the Retirement Fund to be used for the payment of retirement benefits hereinafter provided for.

(b) Upon the retirement of any member as hereinafter provided for, the amounts deposited into the Pension Accumulation Fund to the credit of such retiring employee shall be transferred from the Pension Accumulation Fund into the Retirement Fund and credited to the individual account of the retired employee-member as provided in Section 4(1)(d) above, who shall receive benefits from the Retirement Funds as hereinafter provided. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the System.

(3) **THE RETIREMENT FUND.** The Retirement Fund shall be a fund into which shall be deposited all funds transferred from the Annuity Fund and from the Pension Accumulation Fund as provided for in Sub-Sections (1) and (2) above of Section 4, from which retirement benefits are paid.

(a) In addition to transfers from the Annuity and Pension Accumulation Funds, the Pension Board may take by gift, grant, device or bequest, any money, personal property, real estate, or interest therein for the benefit of the fund.

(b) All amounts in excess of the amount protected by the Federal Depositors Insurance Corporation or similar plan by the Federal Government deposited in any bank or savings and loan association in any of the three (3) funds provided for

herein shall be forthwith invested in bonds or securities which are direct obligations of the United States of America. All amounts deposited in any such bank or savings and loan association in excess of amounts required to pay monthly benefits shall be placed on deposit so as to draw interest. Interest and earnings from investments and deposits shall be deposited into the Retirement Fund.

(c) Every three (3) years the System shall be reviewed by a reputable actuary selected by the Pension Board. The Pension Board upon receipt of the report of such actuary shall make recommendations to the legislative delegation and City officials for any needed revisions.

Section 5. CREDITABLE SERVICE. For the purpose of attainment of the period of service required for retirement under the provisions of this Act, the following conditions shall prevail and none other:

(1) All persons who are employees and retired employees of the City of Dothan on the date of the enactment of this Act and who were members of the Alabama Employees Retirement System, shall receive credit for all prior service evidenced by Alabama Employees Retirement System prior years certificates, and so long as membership continues, such prior service certificate shall be final and conclusive for retirement purposes as to such service credited prior to this Act, except that any such certificate found to be inaccurate as to actual prior service according to records in the City Clerk's Office may be amended by resolution of the governing body of the City with the concurrence of the Pension Board upon certification of the City Clerk as to the actual service prior to the City of Dothan's withdrawal from the Alabama Employees Retirement System any employee should have credit for.

(2) Employee-members drafted or entering directly into the Armed Forces of the United States and complying with Section 2, Sub-Section (3), will receive credit for continuous service.

(3) Creditable service at retirement, on which retirement allowances of a member shall be based, shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

(4) Anything in this Act to the contrary notwithstanding, any member having twenty-five (25) or more years of creditable service shall be eligible to continue in the membership of the System whether employed by the City or not, until he files

application for service retirement, at which time he shall be eligible for all benefits for full retirement as though all other conditions and requirements had been attained and fulfilled. Continuation of employment beyond twenty-five (25) years shall entitle such an employee's benefits to be computed on the basis of his total years service multiplied by fifty percent (50%) of his highest average annual salary for any previous consecutive five (5) years, and divided by twenty-five (25).

Section 6. SERVICE RETIREMENT BENEFITS.

(1) Any member in service may retire upon written application to the Pension Board setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired, provided said member at the time so specified for his retirement, shall have become disabled, attained the age, and/or served the period required under the provisions of this Act which said employee desires to be retired.

(2) Full Retirement. Any employee-member who shall have served or accumulated twenty-five (25) years of creditable service, shall be eligible for full retirement. Such employee may be retired upon proper application and for the rest of his life receive as a retirement allowance a sum payable from the Retirement Fund amounting to the number of years creditable service accumulated multiplied by fifty percent (50%) of his highest average annual salary for any previous consecutive five years divided by twenty-five (25) payable in monthly installments.

(3) Any employee-member who has attained the age of sixty (60) on his last birthday, and has served or accumulated a total of fifteen (15) years creditable service, may retire voluntarily for reasons of his own. Upon retirement under the provisions of this section, such employee shall receive as a retirement allowance the rest of his life, a sum payable from the Retirement Fund equal to the number of years creditable service accumulated multiplied by fifty percent (50%) of his highest average annual salary for any previous consecutive five (5) years and divided by twenty-five (25), payable in monthly installments.

Any employee-member who has reached the age of sixty-eight (68) years, and has accumulated at least ten years creditable service shall be retired forthwith, and upon proper application shall receive for the rest of his life as a retirement allowance a sum payable from the Retirement Fund amounting to the number of years of creditable service accumulated, multiplied by fifty percent (50%) of his highest average annual salary for any previous consecutive five (5) years and divided by twenty-five (25), payable in monthly installments.

(4) Disability Retirement. Any employee-member who has served or accumulated as much as ten (10) years creditable service, may be retired on a disability retirement allowance, provided that a Medical Board, to be composed of the County Health Officer and two (2) other practicing medical doctors designated by the President of the Houston County Medical Association, after an examination of such employee, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. Upon retirement for disability, such employee-member shall receive as a retirement allowance for the rest of his life, unless such amount shall be modified or changed by proper action as hereinafter provided for, a sum payable from the Retirement Fund amounting to fifty percent (50%) of his highest average annual salary for any previous consecutive five (5) years multiplied by the number of years creditable service limited to a maximum of twenty (20), and divided by twenty (20), payable in monthly installments.

(5) Any member who, as a result of his employment, in line of duty or while discharging his duties, or in the performance of his duties, or as a result of hazardous assignment, and not the result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform properly his former duties of employment or duties of a less strenuous nature, as an employee of the City of Dothan, shall be retired, which action shall be initiated by the head of his department, and shall receive the same retirement allowance as if he had served as an employee for twenty (20) years and become totally disabled as provided in Section 6 (4) hereof. Provided, however, that such retired member shall submit to medical examinations hereinafter required. In the event an employee retired under this section shall be found mentally and physically capable of performing duties of a less strenuous nature, then such employee may, upon the concurrence of the Pension Board and the Governing Body, be employed in such capacity at the prevailing salary for such work as is provided by the City of Dothan Civil Service System. Upon the return to employment from retirement under this section, the period of retirement, together with all prior services shall be credited to such employee, in the ultimate attainment of full retirement or such portion thereof as may be earned under the provisions of this Act. Any such employee who returns to work or continues his employment in work of a less strenuous nature at a reduced rate of pay may be ultimately retired on the basis of his highest five (5) years average salary, provided he shall, while employed at such reduced rate of pay, continue to pay to the System by payroll deduction five percent (5%) of the high-

est consecutive five (5) years average salary. The City's contribution to the Pension Fund shall be at the same rate of 5%.

(6) **RE-EXAMINATION OF MEMBERS RETIRED ON THE ACCOUNT OF DISABILITY.** Once each year during the first five (5) years following the retirement of a member on a disability allowance and once in every three (3) year period thereafter, the Pension Board may, and upon his application shall, require any member so retired who has not yet attained the age of sixty (60), to undergo a medical examination, such examination to be made at the place of residence of such members, or other place mutually agreed upon by a physician or physicians of, or designated by the Medical Board. Should any member drawing disability retirement allowance who has not attained the age of sixty (60) refuse to submit to such medical examination, his allowance will be discontinued until such member submits to an examination, and should his refusal continue for one (1) year, all his right in and to his pension may be revoked by the Pension Board. Should the Medical Board report and certify to the Pension Board that a member retired on disability is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the Pension Board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his highest average final compensation for the consecutive five (5) years of his or her employment with the City. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, exceeds the amount of his highest average final compensation for any previous consecutive five (5) years of his or her employment with the City.

Section 7. DEATH OF RETIRED EMPLOYEE. In the event any retired employee dies before having received as retirement allowances, a sum equal to his annuity payroll deductions, and the like amount deposited to his credit by the City in the Pension Accumulation Fund, the balance of this sum shall be paid to his properly designated beneficiary in a lump sum payment.

Section 8. EXEMPTIONS. No portion of, or any of the funds or securities, either while held by the System or after distribution to employee-members as retirement allowances, shall be subject to, or exacted, on account of any taxes, nor be subject to garnishment, levy, execution, attachment, nor be subject

to assignment or any process of collection of debts, provided this shall not apply to assignments or debts to the System or to the City. No liability of the System for the return of contributions shall be subject to assignment and payment to personal representatives, except to properly designated beneficiaries in case of death, and no liability of the System for return of contributions shall be subject to any process in connection with debts.

Section 9. PERPETUITY OF SYSTEM AND RELIEF OF MEMBERS ALREADY RETIRED.

(1) At any time there is an insufficient amount in the Retirement Fund from the sources herein provided for to meet the retirement obligations of the system, the City shall appropriate a sufficient amount of its revenue available for general purposes to meet such Retirement Fund obligations as they are due each month.

(2) For the purpose of additional relief and benefit to City employee-members already retired, effective upon the end of the first full calendar month following the passage and approval of this Act, the monthly benefits of all such retired employees shall be computed upon the basis of said Act No. 103, H. 363, approved June 18, 1953, as amended by this Act. Act No. 424, H. 921, approved August 7, 1961, is hereby repealed.

(3) In addition to the additional relief and benefit provided in the preceding paragraph, all such employee-members already retired and who retire hereafter shall receive an increase in their monthly benefits a cost of living increase amounting to one percent (1%) per year for each year of retirement and for each year in the future; such increase to be effective on the anniversary date of each employee's retirement.

Section 10. RETIRED EMPLOYEES WHO RETURN TO WORK. Retired employees who return to full time work as a City employee will be ineligible to receive benefits from the retirement fund while engaged in such full time work. Each such employee shall however be required to participate in the retirement system as required of a new employee specified in Section 2 hereof, and shall retain the full period of creditable service previously earned for retirement. Upon his application for retirement again, the period of time he has last worked, if less than five years, shall be added to such highest consecutive average annual salary for a period to equal five years. If the amounts received, however, after returning to work after retirement, are less than before his first retirement, such employee, upon retiring again shall be allowed to receive monthly retirement

benefits based upon his highest average annual salary for any consecutive five years.

Section 11. EXCESS RETIREMENT FUNDS AND PAYMENTS.

(1) All annuity payroll deductions and pension accumulation funds transferred to the Retirement Fund upon the retirement of any member shall be credited to such member's account and held in trust for no other purpose except for the payment of such member's retirement benefits or to such member's properly designated beneficiary upon termination by death. Payments to such member shall be charged against his account, so as to reflect the unpaid balance.

(2) After the amounts accumulated for such retired member's credit in (1) above have been paid back to such member as benefits, continued benefits shall be paid out of funds accruing to the Retirement Fund under the provisions of Section 4 and payment of such continued benefits shall be continually charged to such retired member's account so as to reflect the amount paid in excess of credits provided for in (1) above.

Section 12. VOLUNTARY PARTICIPATION. All active employees of the City at the time this Act is approved who wish to continue as members of the Retirement System as herein provided shall signify their voluntary participation in writing to the Pension Board. The written document signifying such voluntary participation shall be certified to by the various department heads as being the signatures of the employees under his supervision and that he witnessed their signing such document, which shall be recorded in the records of the City Clerk's Office.

Section 13. CONFLICTING LAWS. All laws in conflict with this Act are hereby repealed to the extent of such conflict with this Act.

Section 14. EFFECTIVE DATE. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:12 A.M.

Act No. 60

S. 150—Malone

AN ACT

Relating to Etowah County; to provide for the reorganization of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Etowah County as presently constituted is hereby abolished and there is created in lieu thereof a county board of education composed of seven members who shall be elected by the qualified electors of the county at large. A member shall be elected from each of the following school districts:

District 1, Gaston High and Gaston Elementary School Districts;

District 2, Glencoe High and Glencoe Elementary School Districts;

District 3, Southside High and John Jones Elementary School Districts;

District 4, West End High and West End Elementary School Districts;

District 5, Sardis High, Whitesboro Elementary and Carlisle Elementary School Districts;

District 6, Etowah High and Highland Elementary, Duck Springs Elementary and Ivalee Elementary School Districts; and

District 7, Hokes Bluff High and Hokes Bluff Elementary School Districts.

Members shall have the qualifications prescribed in Code of Alabama 1940, Title 52, Section 63 and shall be a resident of the district he represents at the time of his election and during his continuance in office.

Section 2. Boundaries of the school districts shall be established by the county board of education. The board may increase or decrease the number of districts provided for herein. In event the number of school districts are increased the number of board members shall be increased and in the event the number of school districts are decreased the number of board members shall be decreased. The board of education shall at all times be composed of one member from each school district.

Section 3. Any person who wishes to qualify as a candidate for membership on the board of education must first furnish proof to the county superintendent of education of his residency in the district he wishes to represent. If the superintendent deems the proof sufficient he shall sign an affidavit to the effect that such person is a resident of said district. No person shall be qualified as a candidate until he has submitted such an affidavit to the judge of probate.

Section 4. Members of the board of education serving when this act becomes effective shall serve out the terms for which they have been elected. Successors to such members shall be elected for terms of six years or until their successors are elected and qualified. Members from Districts 1, 2 and 3 shall be elected at the general election in 1972. Members from Districts 4 and 5 shall be elected at the general election in 1974 and the members from Districts 6 & 7 shall be elected at the general election in 1976. In the event the number of school districts are decreased the member who's district is abolished shall serve until the expiration of his term. In event the number of school districts are increased a member representing the additional district shall be elected at the first general election after such district is established.

Section 5. The members of the board shall qualify by taking and subscribing to the oath of office prescribed by article XVI of the Constitution. If a vacancy occurs in the membership of the board it shall be filled as provided in Code of Alabama 1940, Title 52, Section 64. The members of the board shall elect a president and a vice-president from among their own number as provided in Code 1940, Title 52, Section 67.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:15 A.M.

Act No. 61

S. 151—Malone

AN ACT

To create and establish the Etowah County Solid Waste and Park and Recreation Authority; to prescribe its composition, duties, powers and responsibility.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the Etowah County Solid Waste and Park and Recreation Authority,

which shall be composed of the chairman of the Etowah County Commission or other like governing body, the Etowah County Health Officer, or his administrative assistant, and the state Senator from Etowah County. The members of said Authority shall serve without compensation except that they shall be reimbursed for actual expenses incurred in the performance of their duties.

Section 2. The Authority is hereby authorized to employ a County Supervisor, who shall be the executive officer of the Authority, and whose salary shall be fixed by the Authority. Said County Supervisor shall serve at the pleasure of the Authority.

Section 3. The county commission or other like governing body of Etowah County is hereby directed to appropriate \$150,000 from the general revenues of the county for the first fiscal year in which the Authority is in operation, and \$100,000 from said fund for the second fiscal year of its operation; thereafter, the County Commission or like Governing Body of Etowah County is authorized and empowered to appropriate such sums of money as may be necessary for the operation of the Authority.

Section 4. The Etowah County Solid Waste and Park and Recreation Authority shall be responsible for the collection and disposal of solid wastes in all areas of the county where a similar service is not provided. The Authority shall also be responsible for the organization, planning and development of a series of county parks and recreational facilities in suitable locations, where municipal facilities are limited or unavailable. The Authority is hereby authorized to purchase lands, equipment, and supplies, and is authorized to hire any employees necessary to carry out the duties and functions of the board as herein provided.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:18 A.M.

Act No. 62

S.152—Malone

AN ACT

To amend further Act No. 226, H. 588, Regular Session 1959 (Acts 1959, p. 765), which creates a board of trustees of the policemen and firemen's retirement fund and provides a retirement system for policemen and firemen of the City of Gadsden, Etowah County, so as to make further provision for the retirement of such persons; giving the act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13 of Act No. 226, H. 588, Regular Session 1959 (Acts 1959, p. 765), as amended, is amended further to read as follows:

"Section 13. Except as otherwise provided in this act each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the current salary being paid to persons holding the same rank as such retired member held at the time of his retirement; provided, that the member at the time of his retirement shall have held the same rank or position during the one year (12 months) next preceding his retirement; and provided, further, that if the member has held the rank or position at which he retires for a period of less than one year (12 months) just before his retirement, that his retirement benefit shall equal fifty per centum of the average monthly salary applicable to the particular position or positions, and rank or ranks held by the members during the three years preceding retirement. Provided nothing herein relative to length of service shall apply to a member of the police or fire department who has been, or who hereafter is retired by reason of his disability and such member shall receive fifty per centum of the current salary being paid to persons holding the same rank as such person held at the time of his retirement."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. This act is retroactive to October 1, 1970.

Approved July 12, 1971.

Time: 10:20 A.M.

Act No. 63

S.153—Malone

AN ACT

To alter or rearrange the boundary lines of the Town of Sardis City, Etowah County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and

also certain other territory now embraced within the Town of Mountainboro, Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Sardis City, Etowah County, Alabama, be, and the same are altered or rearranged so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in the Town of Mountainboro, Etowah County, Alabama as hereinbelow set out, all of which territory lying within the County of Etowah, State of Alabama, and said additional territory being particularly described as follows, to-wit:

Begin at the Southeast corner of Lot#12 of McCleskey Home Sites Subdivision as recorded in the Office of the Judge of Probate Plat Book "F", Page 353, said point also being on the West right of way line of U. S. Highway 431; and is a point on the corporate limits of Sardis City; thence in an easterly direction and in a direct line as if the South line of said Lot 12 were extended to a point where said projected line intersects the East right of way line of U. S. 431; thence in a southeasterly direction and along the easterly right of way line of said U. S. 431 to a point on the South line of Fraction 3, Section 20, said point also being the Southwest corner of Lot #1 of said McCleskey Home Sites; thence in an easterly direction and along the South line of said Fraction 3 and the South line of said Lot 1 and the South line of Fraction #2, Section 20 to a point on the South line of said Fraction 2, said point being 500 feet East of and at right angles to the centerline of said U. S. 431; thence in a northwesterly direction 500 feet East of and parallel to the centerline of said U. S. 431 to a point on the North line of Fraction 13, Section 17, said point being 500 feet East of and at right angles to the centerline of said U. S. 431 which is also a point on the present corporate limits of Sardis City; thence in a westerly direction and along the North line of said Fraction 13 and the North line of Fraction 12, Section 17 and along the present corporate limits of Sardis City to a point on the West right of way line of said U. S. 431; thence in a southeasterly direction and along the westerly right of way line of said U. S. 431 and along the present Sardis City corporate limits to the Southeast corner of said Lot 12 McCleskey Home Sites which is the point of beginning. Said described land being a portion of Fractions 2 and 3 of Section 20, and Fractions 12 and 13 of Section 17, all in Township 10 South, Range 5 East of the Huntsville Meridian in Etowah County, Alabama.

Section 2. That the parcels of land set out in Section 1 of this Act be, and the same are hereby included and embraced

within the boundary of the Town of Sardis City and shall be and constitute a part of the Town of Sardis City, Etowah County, Alabama.

Section 3. That all laws and parts of laws both general, special, and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this Act shall go into effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:22 A.M.

Act No. 64

S. 254—Clark

AN ACT

Relating to counties having populations of not less than 22,250 nor more than 23,000, according to the most recent federal decennial census; providing an expense allowance for the coroner of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 22,250 nor more than 23,000, according to the most recent federal decennial census, the county commission shall pay to the coroner from the general fund of the county, an expense allowance of one hundred dollars (\$100) per month for the operation of his office.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:24 A.M.

Act No. 65

S. 290—Hammond

AN ACT

To prohibit the use of steel traps and similar devices in counties having a population of not less than 38,100 nor more than 40,500, and in counties having a population of not less than 41,750 nor more than 45,000, according to the most recent federal decennial census, and to prescribe punishment for the violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to use any steel traps or similar device in any county having a population of not less than 38,100 nor more than 40,500, or in any county having a population of not less than 41,750 nor more than 45,000, according to the most recent federal decennial census, except that residents of such counties may set such steel traps or similar devices within the curtilage of their homes.

Section 2. Any person violating provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor.

Approved July 12, 1971.

Time: 10:25 A.M.

Act No. 66

S. 359—Owen

AN ACT

Relating to counties having a population of not less than 34,875 nor more than 36,000, according to the most recent federal decennial census; relating to coroners, authorizing coroners to appoint deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as otherwise provided by local or special law, the coroner of any county may appoint one or more deputies, as he may think proper, who shall hold office at the pleasure of the coroner and perform such duties as the coroner may direct.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 12, 1971.

Time: 10:26 A.M.

Act No. 67 H.J.R. 57—Waggoner, Meeks, McBride, Boutwell, Weeks, Gloor, Adwell, Doss, Erdreich, Falkenburg, Ellis, Bowers, Boles, Jones (J. E.), Wallace, Dill, Timmons, Parker (H), Gafford, Cherner

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE HUGH A. LOCKE.

WHEREAS Alabama has lost one of its outstanding citizens with the death of Judge Hugh A. Locke of Birmingham, Alabama; and

WHEREAS Judge Locke was born in Fayette County, Tennessee, was graduated from Birmingham-Southern College and from the School of Law at Vanderbilt University; and

WHEREAS Judge Locke was Assistant Jefferson County Solicitor from 1909-1912 and was Judge of the Chancery Division of the Jefferson County Circuit Court from 1916 to 1922; and

WHEREAS Judge Locke founded the Birmingham Law School in 1959 which provided legal education for more than 600 judges, lawyers and business leaders throughout this State; and

WHEREAS Judge Locke served Jefferson County and this State in many capacities and had many honors conferred upon him, and he served as trustee of the First United Methodist Church of Birmingham for 57 years, served on the Board of Stewards of said church, served on the Board of Trustees of Birmingham-Southern College and the Board of Directors of Carraway Methodist Medical Center, was a candidate for Governor of this State, was a past president of the Birmingham Bar Association, a member of the American Bar Association and received a life membership award from the American Law Institute, was listed in Who's Who in America and was a member of Kappa Sigma fraternity, the Birmingham Exchange Club and the Birmingham Country Club; and

WHEREAS Judge Locke is survived by his widow; two daughters, Mrs. John Donaldson and Mrs. Robert Fleenor and two sons, Hugh A. Locke, Jr., Birmingham, and Louis P. Locke of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do sadly mourn the passing of this distinguished and outstanding citizen of this State.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Judge Locke's family.

Approved July 12, 1971.

Time: 10:27 A.M.

Act No. 68

H.J.R. 59—Lang, Warren

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH HALBERT LEAVELLE, JR., AND WILEY ASHLEY CLARK III.

WHEREAS Joseph Halbert Leavelle, Jr., and Wiley Ashley Clark III were killed in the line of duty in a sudden and tragic accident on June 13, 1971; and

WHEREAS Joseph Halbert Leavelle Jr. was only twenty-one years old, was an employee of Greene County and was in training as an auxiliary policeman. He is survived by his bride of less than three months, his parents, a sister and two brothers; and

WHEREAS Wiley Ashley Clark III was twenty-two years old, was a policeman for the town of Eutaw. He had served his country with honor in Vietnam. He is survived by his wife, a Vietnamese, his mother, and a brother L. David Clark who is a state trooper, and four sisters; and

WHEREAS The untimely and tragic death of these young men has shocked and grieved the people of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deplore the loss of these two young men whose deaths deprive the community and state of two of its fine and promising citizens, and we extend our sincere sympathy to the members of their families;

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Joseph Halbert Leavelle, Jr., Mrs. Wiley Ashley Clark III, and to the parents of the two young men.

Approved July 12, 1971.

Time: 10:28 A.M.

Act No. 69

H.J.R. 61—Boles

HOUSE JOINT RESOLUTION

Naming Building for Dr. LeRoy Brown.

WHEREAS the junior colleges in Alabama were made possible by the legislature in 1963,

WHEREAS Jefferson State Junior College opened its doors in September 1965,

WHEREAS Dr. LeRoy Brown served as the first president of the college, 1965 through March 1971,

WHEREAS the opening enrollment of the college in its first year was over 1100 students, and the enrollment at the beginning of the year 1970-71 was almost 4800 students,

BE IT RESOLVED by the legislature of Alabama, both Houses thereof concurring, that the Health and Physical Education Building at Jefferson State Junior College be named the LeRoy Brown Health and Physical Education Building.

Approved July 12, 1971.

Time: 10:29 A.M.

Act No. 70

H.J.R. 62—Hale

HOUSE JOINT RESOLUTION

Resolution commending the Huntsville Association of Technical Societies for sponsoring "A SPACE CONGRESS FOR THE NON-AEROSPACE PUBLIC."

WHEREAS, The Huntsville Association of Technical Societies, jointly with the major Technical Societies of Huntsville, Alabama, the City of Huntsville and the State of Alabama, propose to sponsor within the City of Huntsville, Alabama, November 15-19, 1971, "A SPACE CONGRESS FOR THE NON-AEROSPACE PUBLIC"; and

WHEREAS, the theme of said congress will be "SPACE FOR MANKIND'S BENEFIT", and will be an attempt at developing an interpretation of the practical aspects of the space program in popular language and conveying it to the public; and

WHEREAS, The Honorable Spiro Agnew, Vice President of the United States of America, has been invited to attend and address the congress; and

WHEREAS, The conference will investigate the broad range of concrete benefits to mankind which has resulted from the space effort, giving the public an opportunity to share the evidence of the practical benefits from space; and

WHEREAS, The program will provide many outstanding nationally known speakers on the various topics of discussions and will include lectures, luncheons, banquets, and the delivery of papers on the subject in non-specialist popular language; and

WHEREAS, It is the judgment and opinion of the Alabama Legislature that the program planned by the Huntsville Associ-

ation of Technical Societies will provide many benefits to the citizens of Huntsville and to the State of Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we do hereby commend the Huntsville Association of Technical Societies for their ingenuity and wisdom of forethought in sponsoring such an event and that we do hereby endorse the proposed space congress; and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Huntsville Association of Technical Societies and to each participating technical society of Huntsville.

Approved July 12, 1971.

Time: 10:30 A.M.

Act No. 71

H. 211—McCorquodale, Headley, Coshatt,
Adams, Brassell, Wood

AN ACT

Relating to the Pardon and Parole Board, further regulating salaries of the chairman and members.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual compensation of the chairman shall be \$19,500.00 and the annual compensation of each associate member of the Pardon and Parole Board shall be \$18,000.00. Such salaries shall be paid in the same manner and out of the same funds as heretofore provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective as to all such board members immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

This Act became a law, July 14, 1971, under Section 125 of the Constitution without approval of the Governor.

Act No. 72

H. 409—Owens

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Bibb County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, the county governing body and/or any municipality in Bibb County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid or, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers of authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner

as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or any municipality in Bibb County or upon all property in any district the boundaries of which the governing body of the county or a municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocable to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of the county or any municipality in Bibb County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the governing body of the county or any municipality in Bibb County.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the county or any municipality in Bibb County for the purpose of determining the borrowing capacity of the county or any such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. Neither the county nor any municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or the affected municipality. The governing body of the county or any municipality in the county may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment.

Passed the House June 10, 1971.

Passed the Senate, July 13, 1971.

Act No. 73

H.413—Turnham

AN ACT

To amend further Act No. 394, H. 828, Regular Session 1961, an Act providing deputies and assistants for the sheriff of Lee County in relation to the number and compensation of such deputies and assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 394, H. 828, Regular Session 1961. (Acts 1961, p. 406), an Act providing for deputies and assistants of the sheriff of Lee County, as amended, is further amended to read as follows:

"Section 1. The Lee County Commission shall provide the sheriff of the county with one chief deputy, one assistant chief deputy, one investigator, and two assistant deputies and in its discretion seven additional assistant deputies, three jailers and

one deputy clerk. The chief deputy shall receive not less than six hundred dollars (\$600.00) nor more than seven hundred dollars (\$700.00) monthly; the assistant chief deputy shall receive not less than five hundred dollars (\$500.00) nor more than six hundred dollars (\$600.00) monthly; the investigator shall receive not less than five hundred fifty dollars (\$550.00) nor more than six hundred fifty dollars (\$650.00) monthly; each assistant deputy shall receive not less than four hundred seventy dollars (\$470.00) nor more than five hundred fifty dollars (\$550.00) monthly; each jailer shall receive not more than four hundred dollars (\$400.00) monthly; and the deputy clerk shall receive not more than three hundred fifty dollars (\$350.00) monthly. The exact amount of compensation to be paid to each of such deputies and assistants shall be fixed by the county governing body and shall be paid out of the general fund of the county."

Section 2. This Act shall be retroactive to January 18, 1971.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 4:00 P.M.

Act No. 74

H.414—Turnham

AN ACT

To provide for the appointment of the county superintendent of education of Lee County by the county board of education; prescribing his qualifications and providing for his powers, duties and removal; repealing Act No. 266, H. 611, Regular Session 1931, and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Lee County shall appoint the county superintendent of education, who shall serve for such term as the board may prescribe. The county board of education may remove the superintendent of education at any time for immorality, misconduct in office, incompetency, willful neglect of duty, or when the best interests of the schools require it.

Section 2. The county superintendent of education shall be the chief executive officer of the county school system, and he shall have the qualifications and shall perform and discharge

all the duties of county superintendent of education as now or hereafter required or provided by the general laws of the State.

Section 3. Act No. 266, H. 611, Regular Session 1931 (Local Acts 1931, p. 124) and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall take effect at the expiration of the term of the incumbent superintendent of education of Lee County.

Approved July 15, 1971.

Time: 4:02 P.M.

Act No. 75

H.415—Turnham

AN ACT

To repeal Act No. 297, H. 513 of the Regular Session of 1965 (Acts 1965, p. 414 entitled "An Act To apply in counties having populations of not less than 49,500 nor more than 50,500; providing for payment of expense allowances for the deputy or county solicitors of such counties from the county treasury."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 297, H. 513 of the Regular Session of 1965 (Acts 1965, p. 414) entitled "An Act To apply in counties having populations of not less than 49,500 nor more than 50,500; providing for the payment of expense allowances for the deputy or county solicitors of such counties from the county treasury," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 4:05 P.M.

Act No. 76

H.416—Turnham

AN ACT

To fix the compensation of the sheriffs of all counties having populations of not less than 60,000 nor more than 65,000, according to the most recent federal decennial census; to repeal conflicting laws; and to give this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the sheriff of any county of this state having a population of not less than 60,000 nor more than 65,000, according to the most recent federal decennial census, shall be an annual salary of \$15,000, which shall be payable out of the general fund of the county, and shall be in lieu of all fees, commissions, percentages, or allowances provided for or prescribed by general, special, or local laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The operation of this Act shall be retroactive to January 18, 1971, and the provisions hereof shall govern the compensation of the sheriff from and after said January 18, 1971.

Approved July 15, 1971.

Time: 4:07 P.M.

Act No. 77

H. 417—Turnham

AN ACT

To amend Act No. 1170, S. 674, 1969 Regular Session (Acts 1969, p. 2179), which regulates further the office of sheriff in the state and prescribes the annual salaries of sheriffs of the several counties classified on a population basis, so as to delete the special provisions therein excepting the salary of sheriffs in those counties having populations of not less than 61,000 nor more than 62,000 from the general provision relative to counties having such populations, and making special provision for the salaries of sheriffs of such counties; and to provide that this amendment shall be retroactive and become effective on January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1170, S. 674, 1969 Regular Session (Acts 1969, p. 2179), is hereby amended to read as follows:

“Section 1. Sheriffs of the several counties in this State shall be compensated for their services by an annual salary payable in equal installments out of the county treasury as the salaries of other county employees are paid. The annual salary of the sheriff shall depend on the number of inhabitants of the county as shown by the most recent federal decennial census of population of the county and shall be in such amount as is hereinafter prescribed:

“In counties having a population of 12,400 or less, the annual salary of the sheriff shall be \$10,000. In counties having

populations of not more than 20,000 nor less than 12,400, the annual salary of the sheriff shall be \$12,000, except that in all counties having a population of not less than 15,000 nor more than 15,300, the annual salary of the sheriff shall be \$8,400.

"In counties having populations of not less than 20,000 nor more than 30,000, the annual salary of the sheriff shall be \$13,000, except that in all counties having a population of not less than 24,800 nor more than 25,400, the annual salary of the sheriff shall be \$12,000, and in all counties having a population of not less than 16,150 nor more than 17,350, the annual salary shall be set by the county governing body by resolution properly adopted in an amount not to exceed \$12,000.

"In counties having populations of not less than 30,000 nor more than 96,000, the annual salary of the sheriff shall be \$15,000, except that in all counties having a population of not less than 50,000 nor more than 51,000, the annual salary of the sheriff shall be \$12,000, except in counties having a population of not less than 48,500 nor more than 49,500, the salary of the sheriff shall be \$16,000, except in counties having a population of not less than 31,000 nor more than 32,000, the annual salary of the sheriff shall be \$12,000, except in counties having a population of not less than 65,000 nor more than 70,000, the annual salary of the sheriff shall be \$14,000, except in counties having populations of not less than 48,000 nor more than 49,000, the annual salary of the sheriff shall be \$12,000, except in counties having a population of not less than 41,000 nor more than 45,000, the annual salary of the sheriff shall be set by the county governing body by a resolution duly adopted in an amount not to exceed \$15,000; provided, however, this Act shall not apply to counties having a population of not less than 37,000 nor more than 41,000.

"In counties having populations of not less than 96,000 nor more than 125,000, the annual salary of the sheriff shall be \$16,500.

"In counties having populations of not less than 125,000 nor more than 500,000, the annual salary of the sheriff shall be \$18,000.

"In all counties having a population of more than 500,000, the annual salary of the sheriff shall be \$19,000.

"Such salary shall be in lieu of all fees, compensation, allowances, percentages, charges and costs, except as herein otherwise provided. The sheriff and his deputies shall, however, be entitled to collect and retain such mileage and expense allowances as may be payable according to law for returning

or transferring prisoners and insane persons to or from points outside the county."

Section 2. This Act shall become effective January 18, 1971.

Approved July 15, 1971.

Time: 4:09 P.M.

Act No. 78

S. 33—Carr

AN ACT

To allow prospective jurors to be excused without the presence of the defendant in the Twenty-Seventh Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by a jury is held before the Circuit Court in the Twenty-Seventh Judicial Circuit of Alabama, the judge presiding over the empanelment of the jury venire in said capital case is authorized to excuse any prospective juror outside the presence of the defendant at any time and place provided said juror has a legal excuse for being excused and it shall be within the discretion of the judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by statutes now or hereafter in force and effect.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the governor or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 5:00 P.M.

Act No. 79

S. 34—Carr

AN ACT

To abolish the drawing of special venires in capital cases in the Twenty-Seventh Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. No special venire shall be ordered or drawn for the trial or trials of a defendant or defendants in capital felonies in the Circuit Court of the Twenty-Seventh Judicial Circuit of Alabama, but a defendant or defendants in capital felony cases shall be entitled to strike from a list of not less than thirty competent jurors obtained from the regular juries in the Court.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 5:02 P.M.

Act No. 80

S. 35—Carr

AN ACT

Relating to judicial procedure in the Twenty-Seventh judicial circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. If the accused and his counsel and also the prosecuting attorney in the Twenty-Seventh Judicial Circuit of Alabama, in any prosecution for a felony, whether capital or non-capital, consent thereto in open court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial whether the jury has retired or not. A separation so permitted shall not create a presumption of prejudice to that accused but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury.

Section 2. It shall be improper for the trial court to ask the accused, counsel for the accused, or the prosecuting attorney in the hearing of the jury whether or not he or they will consent to a separation of the jury pending the trial. It shall be improper for the accused or counsel for the accused, or the prosecuting attorney to state to the trial court in the hearing of the jury that he or they consent to a separation of the jury pending the trial.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 5:04 P.M.

Act No. 81

S. 36—Carr

AN ACT

To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the twenty-seventh judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the twenty-seventh judicial circuit. In any case triable by a jury in the circuit courts of the twenty-seventh judicial circuit, the court may in its discretion order the selection of one or two alternate jurors for the trial of the case, but may order an alternate juror to take the place of a principal juror only when the principal juror is excused by the court in the exercise of its sound discretion, before the retirement of the jury to consider its verdict, by reason of some mental or physical ailment in such principal juror, or his confrontation with some emergency rendering him unable to perform his duties satisfactorily.

Section 2. When only one alternate juror is to be selected, the parties shall be entitled to strike from a list containing the names of at least three competent jurors in addition to the minimum number specified by law, as the case may require, and shall be required to strike alternately, as provided by law, until thirteen names remain on the list; and thereupon, the court shall select by lot one name from such thirteen names, and the juror whose name is thus selected shall be the alternate juror. The remaining twelve shall be the principal jurors.

If the court orders the selection of two alternate jurors, the parties shall be entitled to strike from a list containing the names of at least six competent jurors in addition to the minimum number specified by law, as the case may require, and shall be required to strike alternately, as provided by law, until fourteen names remain on the list; and thereupon, the court shall select by lot two names from such fourteen names, the first one selected to be designated as alternate juror number

one and the other as alternate juror number two. The remaining twelve shall be the principal jurors.

Section 3. If two alternate jurors are selected and both are able to perform the duties of a juror satisfactorily, the court shall order alternate juror number one to take the place of the first member of the jury who is excused from further service. If two alternate jurors are selected, but only one of them is able to perform the duties of a juror satisfactorily, then such alternate shall be ordered to take the place of any member of the jury who is excused from further service. An alternate juror who is able to perform satisfactorily the duties of a juror may be ordered to take the place of a juror who himself was originally an alternate juror, under the same conditions as he might have been ordered to take the place of one of the twelve principal jurors.

Section 4. Alternate jurors shall obey all orders and admonitions of the court. If the principal jurors are ordered to be kept in the custody of an officer or officers during the trial, such alternate jurors shall also be kept in custody with the regular jurors. All alternate jurors shall be seated near the principal jurors with equal facilities for observing the proceedings in the trial, and shall attend the trial at all times in company with the principal jurors. If any alternate juror is ordered to become a member of the jury, he shall take the same oath as that administered to other jurors, and shall have the same functions, powers, duties, and privileges as regular members of the jury. Any alternate juror who has not been ordered to take a place on the jury prior to the retirement of the jury to consider a verdict shall be discharged.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 5:06 P.M.

Relating to Marshall County; to provide for the compensation of the Register of the Circuit Court of Marshall County, Alabama, and to repeal conflicting general local or special laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Register of the Circuit Court of Marshall County, Alabama, shall receive an annual salary of ten thousand dollars (\$10,000.00), to be paid in equal monthly installments from the County treasure of Marshall County.

Section 2. All general, local or special laws, or parts of such laws, which conflict with this Act are hereby repealed.

Section 3. If any clause, sentence, paragraph or section of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, unconstitutional or otherwise unlawful, such judgment shall not affect, impair or invalidate any other portion of this Act, but shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall be granted.

Section 4. This Act shall take effect immediately upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 5:08 P.M.

Act No. 83

S. 167—Cooper

AN ACT

Relating to Wilcox County; fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Wilcox County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county general fund. And it shall be used in such amounts as may be determined by the Court of County Commissioners, Board of Revenue, or other like governing body of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 5:10 P.M.

AN ACT

Relating to Marshall County; regulating the keeping of records in the Marshall County Circuit Court; eliminating the recording of certain documents in what is commonly designated "Final record books" and providing that the originals of such documents shall constitute the final record in Civil cases in such Court; and providing for the safekeeping of such final records.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Circuit Court of Marshall County is hereby relieved of the duty of recording the original pleadings in Civil Cases at law in such Court, the original process issued thereon or any affidavits or bonds taken in the course thereof in that class or series of record books commonly designated "final record books." In lieu thereof such Clerk shall be responsible for the safe keeping of each of the above mentioned items in the case file in each such case; and such file shall be deemed "the final record in each such suit or proceedings."

Section 2. The original pleadings in all Civil Suits, at Law, in the Marshall County Circuit Court, the Original process thereon, all Affidavits and bonds taken in the course thereof, immediately after the filing thereof or after the return of such process, shall be placed in the file of such case, and neither such file, nor any item from the file shall be removed from the office of the Clerk, except in the Custody of the Clerk.

Section 3. The Judge's final orders and judgments shall be contained in the minute entries of the Court.

Section 4. All general, local or special laws, or parts of such laws, which conflict with this Act are hereby repealed.

Section 5. If any clause, sentence, paragraph or section of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, unconstitutional or otherwise unlawful, such judgment shall not affect, impair, or invalidate any other portion of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or section directly involved in the controversy in which judgment shall be granted.

Section 6. This Act shall become effective January 18, 1971 upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 5:12 P.M.

AN ACT

To fix and regulate the fees of witnesses in criminal cases and in the County Court and Circuit Court of Marshall County, Alabama, and before the Grand Jury of said county, and to provide for the payment thereof and to provide for the collection of witness fees from defendant convicted and for the disposition of the same.

Be It Enacted by the Legislature of Alabama:

Section I. That witnesses in criminal cases in the County Court, except in preliminary hearings, and in the Circuit Court of Marshall County, Alabama, and before the Grand Jury of said county are entitled to One Dollar and Fifty Cents (\$1.50) per diem, and Ten Cents (10¢) per mile to and from their residence by the route usually travelled.

Section II. The fees of such witnesses subpoenaed on the part of the State to appear at the County Court, except in preliminary hearings, or the Circuit Court or before the Grand Jury of said county, shall be a preferred claim against the Fine and Forfeiture Fund of said county, and provided that if said fund is exhausted at the time of the presentation of certificate for said fees, then such fees shall be paid out of the General Fund of the county.

Section III. That all witness fees collected by the Clerk of the Court shall be paid by him into the General Fund of the county treasury at the end of each month in which they are collected, and provided further that the fees of witnesses shall be collected by said Clerk, as now fixed and provided by law, the true intent and purpose of this Act being to pay the State witnesses cash for their attendance at present term of Court on presentation of witness certificate, and to collect the fees as now fixed by law for the benefit of the county treasury.

Section IV. All general, local or special laws, or parts of such laws, which conflict with this Act are hereby repealed.

Section V. If any clause, sentence, paragraph, or section of this Act shall for any reason be adjudged by any Court of competent jurisdiction, to be invalid, unconstitutional, or otherwise unlawful, such judgment shall be confined in its operation to the clause, sentence, paragraph, or section directly involved in the controversy in which judgment shall be granted.

Section VI. This Act shall become effective immediately upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming law.

Approved July 15, 1971.

Time: 5:14 P.M.

Act No. 86

S. 264—Carr

AN ACT

To amend Section 2, (d) Act No. 180, H. 519 Regular Session 1965, an Act changing the method of compensating certain officers of Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2. “(d) Office of Circuit Clerk a maximum of twenty one thousand five hundred dollars (\$21,500) annually. In addition, three thousand six hundred dollars (\$3,600) shall be allowed the office of the Circuit Clerk annually as expenses for travel in the county by the Clerk and his deputies.

“**Section 2.** If any clause, sentence, paragraph, or section of this Act shall for any reason be adjudged by any Court of competent jurisdiction, to be invalid, unconstitutional, or otherwise unlawful, such judgment shall not affect, impair, or invalidate any other portion of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or section directly involved in the controversy in which judgment shall be granted.

“**Section 3.** This Act shall become effective immediately upon its passage by the Legislature, and approval by the Governor, or upon its otherwise becoming law.

Approved July 15, 1971.

Time: 5:16 P.M.

Act No. 87

S. 291—Branyon

AN ACT

Relating to Greene County; to regulate the insurance of certain public buildings within the county, together with the equipment, furniture, fixtures and other property within such buildings; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Greene County Board of Education, the Greene County Commission, the Green County Hospital Board, or other board, commission, authority, public corporation or person charged with the supervision and control of buildings in which the title in whole or in part is vested in Greene County or such other board, commission, authority, public corporation or person may insure such buildings within its jurisdiction and control, together with the furniture, fixtures and property in

such buildings for the insurable value thereof, with insurance companies of its own choosing and shall not be required to insure such buildings and property by or through either the State Insurance Fund or the State Department of Finance.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 15, 1971.

Time: 5:18 P.M.

Act No. 88 H. 517—Stubbs, Therrell, Waldrop, Carnes,
Wynot, Reid (R), Grey (D),
Goodwin, Reynolds, Hill, Flipppo,
Carter, Warren, Coshatt, Robertson,
Bowers, Headley, Owens, Hobbie,
Cherner, Drake, Naramore, Bank,
Crowe

AN ACT

To amend Sections 188, 205, 207, Subsection A of Section 209, Section 213, and Subsections B and C of Section 214; to repeal the present Subsection D of Section 214, transferring the provisions thereof to Subsections B and C of Section 214 in revised form and substituting therefor a disqualification for loss of license or certain other items necessary for employment; to amend Subsection E of Section 214; to repeal the present Subsection L of Section 214 and substitute therefor a disqualification for receipt of certain allowances for training; to add a Subsection M to Section 214 providing disqualification of certain employees of an institution of education during periods between academic years or terms; and to amend Subsection B of Section 237; all the foregoing appearing in Title 26, Chapter 4, Code of Alabama 1940, as last amended, and relating to the definition of a "State" for unemployment compensation purposes, and to unemployment compensation benefit payments, weekly benefit amount, duration of benefits, waiting period, eligibility conditions, disqualifications and reciprocal arrangements.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 188, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§188. State. — "State," as used in this chapter includes in addition to the States of the United States, the District of Columbia, the Virgin Islands, Puerto Rico and Canada."

Section 2. Section 205, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§205. Payment of benefits. — A. After contributions have been due under this chapter for two years, benefits shall become payable from the fund to any employee who thereafter is or becomes unemployed and eligible for benefits, and shall be paid through employment offices or such other agencies at such times and in such manner as the director may prescribe.

B. Benefits based on service in employment defined in subsections B and C of section 186 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this Act; except that in no event may benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in subsection L of section 186) be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms."

Section 3. Section 207, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§207. Weekly benefit amount. — An individual's weekly benefit amount shall be an amount equal to 1/26th of the total wages for insured work paid to him during that quarter of his base period in which such total wages were the highest, except that:

A. If the amount thus derived is not a multiple of \$1.00, it shall be rounded to the nearest multiple of \$1.00.

B. If, for benefit years beginning after the effective date of this Act, the amount thus derived is less than \$14.51, the weekly benefit amount shall be \$15.00, provided that, during that quarter of his base period in which the wages paid to him for insured work were the highest, the individual was paid wages of more than \$350.00 for insured work on other than a part-time basis.

C. If, for benefit years beginning after the effective date of this Act but before July 1, 1972, the amount thus derived is more than \$54.50 the weekly benefit amount shall be \$55.00.

D. If, for benefit years beginning on or after July 1, 1972, the amount thus derived is more than \$59.50 the weekly benefit amount shall be \$60.00."

Section 4. Subsection A of Section 209, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

“§ 209 A. Duration of benefits. — Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of twenty-six times his weekly benefit amount, and one-third of the wages paid to him for insured work during his base period; provided that such total amount of benefits, if not a multiple of one dollar, shall be computed to the nearest multiple of one dollar. For the purpose of this chapter, wages shall be counted as “wages for insured work” with respect to any benefit year only if such wages were paid in the base period immediately preceding such benefit year; except that, any lump sum payment of wages in lieu of notice or dismissal or severance allowance shall be prorated over the period or periods with respect to which such payment is made and treated as though it had been paid in such period or periods. In determining an individual’s benefit rights, remuneration payable but unpaid to such individual shall to the extent that regulations promulgated by the director prescribe, be deemed to be “wages paid” to such individual.”

Section 5. Section 213, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

“§ 213. Benefit eligibility conditions. — An unemployed individual shall be eligible to receive benefits with respect to any week only if the director finds that —

A. He has made a claim for benefits with respect to such week in accordance with such regulations as the director may prescribe.

B. He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the director may prescribe, except that the director may by regulation waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive, or would be inconsistent with purposes of this chapter.

C. He is physically and mentally able to perform work of a character which he is qualified to perform by past experience or training, and he is available for such work either at a locality at which he earned wages for insured work during his base period or at a locality where it may reasonably be expected that such work may be available.

Notwithstanding any of the provisions of this subsection, no otherwise eligible individual shall be denied benefits for any

week because he is enrolled in a course of training with the approval of the director. Such approval shall be conditioned upon the following:

- (1) The individual's skills are obsolete or such that there are minimal opportunities for employment;
- (2) Training is for an occupation for which there is a substantial and recurring demand;
- (3) Training is not a course of education for credit toward a degree;
- (4) The individual possesses aptitudes or skills which can be supplemented by retraining within a reasonable time;
- (5) The individual produces satisfactory evidence of continued attendance and satisfactory progress.

D. He has been totally or partially unemployed in such week, except that if he has been partially unemployed in the first week in his benefit year such week shall be a waiting period with respect to which no benefits may be paid, provided, however, that this exception shall not apply if it would interrupt the payment of benefits for consecutive weeks of unemployment.

E. He has during his base period been paid wages for insured work of at least \$525 and in addition been paid wages for insured work equal to or exceeding $1\frac{1}{2}$ times the total of the wages for insured work paid to him in that quarter of such base period in which such total wages were the highest, provided, that no otherwise eligible individual who shall have received benefits in a preceding benefit year shall be eligible to receive benefits in a succeeding benefit year unless and until such otherwise eligible individual, subsequent to the beginning date of the preceding benefit year, shall have worked in insured employment for which work he earned wages equal to at least 8 times the weekly benefit amount established for such individual in the preceding benefit year."

Section 6. Subsection B of Section 214, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 214 B. If he has left his employment voluntarily without good cause connected with such work.

(1) However he shall not be disqualified if he was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was reasonably practicable so to do and returned to that employer and offered himself for work as soon as he was again able to work; provided, however,

this exception shall not apply if the employer had an established leave-of-absence policy covering sickness or disability and (a) the individual fails to comply with same as soon as it is reasonably practicable so to do, or (b) upon the expiration of a leave-of-absence he shall fail to return to said employer and offer himself for work, if he shall then be able to work, or, if he is not then able to work, he fails to so notify his employer of that fact and request an extension of his said leave-of-absence as soon as it is reasonably practicable so to do.

In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts in doubt.

An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees.

Provided, however, that nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person during or for unemployment due to sickness or disability or during any period in which he is on a leave-of-absence granted in accordance with an established leave-of-absence policy the duration of which leave was set in accordance with his request or in accordance with a collective bargaining agreement; except that if such leave-of-absence is on account of pregnancy and extends beyond the 10th week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subsection beyond such 10th week if she has given the employer three weeks notice of her desire to return to work, is then able to work, and has not refused reinstatement to a job which under the provisions of subsection E of this section would be deemed suitable for her.

(2) When an individual is disqualified under this subsection —

(a) He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until (i) he has reentered insured employment or employment of the nature described in paragraphs (5) (6) (7) (8) (9) (10) or (18) of subsection K of section 186 of this title and (ii) for which employment he has earned wages equal to at least 10 times his weekly benefit amount for the benefit year in which such disqualification is assessed.

(b) The total amount of benefits to which he may otherwise be entitled as determined in accordance with section 209 of this title shall be reduced by an amount equal to not less than one nor more than 10 times his weekly benefit amount.

(c) For the purposes of the experience rating provisions of section 204 of this title no portion of the wages paid to him for the period of employment ending with the separation to which the disqualification applies shall be determined to be employee's or employer's benefits wages."

(3) Provided further he shall not be disqualified if he left his employment and immediately returned to work with his regular employer or to employment in which he had prior existing statutory or contractual seniority or recall rights. When this exception is applied, wages paid for that period of employment immediately preceding the separation to which the exception is applied which have not been heretofore determined to be benefit wages, shall not be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of section 204 of this title.

Section 7. Subsection C of Section 214, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 214 C. (1) If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others. When an individual is disqualified under this paragraph —

(a) He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he has reentered insured employment or employment of the nature described in paragraphs (5) (6) (7) (8) (9) (10) or (18) of subsection K of section 186 of this title.

(b) He shall not thereafter be entitled to any benefits under this chapter on account of wages paid for the period of employment by the employer by whom he was employed when the disqualifying event occurred.

(c) For the purposes of the experience rating provisions of section 204 of this title no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period.

(2) If he was discharged for actual or threatened deliberate misconduct committed in connection with his work (other than acts mentioned in paragraph (1) of this subsection) after repeated warning to the individual. When an individual is disqualified under this paragraph the effects shall be the same as provided in paragraph (2) of subsection B of this section.

(3) If he was discharged for misconduct connected with his work (other than acts mentioned in paragraphs (1) and (2) of this subsection) —

(a) He shall be disqualified from receipt of benefits for the week in which he was discharged and for not less than the two nor more than the six next following weeks as determined by the director in each case according to the seriousness of the conduct.

(b) The total amount of benefits to which he may otherwise be entitled as determined in accordance with section 209 of this title shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.

(c) Only one-half of the wages paid to him for that period of employment immediately preceding the separation to which the disqualification applies shall be determined to be employer's benefit wages for the purposes of the experience rating provisions of section 204 of this title.

(4) If he has been suspended as a disciplinary measure connected with his work, or for misconduct connected with his work, he shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which or for which he is so suspended and the total amount of benefits to which he may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in subparagraph (b) of paragraph (3) of this subsection."

Section 8. The present Subsection D of Section 214, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby repealed and the following substituted therefor to read:

"§ 214 D. For the week in which he has become unemployed because a license, certificate, permit, bond or surety which is necessary for the performance of such employment and which he is responsible to supply has been revoked, suspended, or otherwise become lost to him for a cause other than one which would fall within the meaning of subsection 214 C but one which was within his power to control, guard against or prevent, and for each week thereafter until (1) said license, certificate, permit, bond or surety has been restored to him and he has reapplied to his employer for employment, or (2) he has reentered insured employment or employment of the nature described in paragraph (5) (6) (7) (8) (9) (10) or (18) of subsection K of section 186 of this title, whichever is the earlier."

Section 9. Subsection E of Section 214, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 214 E. If he fails, without good cause, either to apply for or to accept available suitable work or to return to his cus-

tomary self-employment when so directed by the director or when he is notified of suitable work or it is offered him through a state employment office or the United States Employment Service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than one nor more than ten weeks from the date of said failure.

This disqualification shall not apply unless the individual has an established benefit year, or is seeking to establish one or is seeking extended benefits at the time he fails without good cause, to do any of the acts set out in this subsection.

(1) In determining whether or not any work is suitable for an individual, the director shall consider the degree of risk involved to his health, safety, and morals, his physical fitness, and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence; provided that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular place of employment and if the employee left such voluntarily without good cause connected with such employment.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(c) If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

(3) Notwithstanding any other provisions of this section, benefits shall not be denied an individual, by reason of the application of the provisions of this subsection, with respect to any week in which he is in training with the approval of the director as described in subsection 213 C."

Section 10. The present Subsection L of Section 214, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby repealed and the following substituted therefor to read:

"§ 214 L. For any week with respect to which or a part of which he has applied for or is entitled to receive any wage or subsistence or training allowance or other form of remuneration, other than reimbursement for travel expenses, for a course of training under any public or private training program; provided that if it is finally determined that he is not entitled to such remuneration, this disqualification shall not apply.

If the remuneration, the receipt of which is disqualifying under this subsection, is less than the weekly benefits which he would otherwise be due under this chapter he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such remuneration."

Section 11. A Subsection M is hereby added to Section 214, Title 26, Chapter 4, Code of Alabama 1940, as last amended, to read:

§ 214 M. Notwithstanding any other provision of this title no benefits based on service in an instructional, research, or principal administrative capacity for an institution of education, except an institution of higher education to which the provisions of subsection B of section 205 apply, shall be payable for any week commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave, to any individual who has a contract or contracts to perform services in any such capacity for any institution or institutions of education for both such academic years or both such terms."

Section 12. Subsection B of Section 237, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

§ 237 B. Combining wage credits. — The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this Act with his wages and employment covered under the unemployment compensation laws of other states which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for (1) applying the base period of a single state law to a claim involving the combining of an individual's wage and employment covered under two or more state unemployment compensation laws, and (2) avoiding the duplicate use of wages and employment by reason of such combining."

Section 13. All laws and parts of laws in conflict herewith are hereby repealed.

Section 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 15. This act to take effect upon its passage and approval by the Governor or its otherwise becoming law.

Approved July 20, 1971.

Time: 4:35 P.M.

Act No. 89 H. 408—Perloff, Stokes, Therrell, Nettles,
Callahan, Wood, Downing, Roberts,
Collins, Lyons, Gafford, Dill,
Timmons, Bowers, Wallace, Jones
(E), Boles, Meeks, Cherner,
Erdreich, Doss, Gloor, Weeks,
Boutwell, McBride, Waggoner,
Parker (H), Falkenburg, Ellis,
Adwell

AN ACT

TO APPLY IN ALL COUNTIES HAVING A POPULATION OF 300,000 OR MORE, ACCORDING TO THE LAST OR ANY FUTURE FEDERAL CENSUS: TO FURTHER REGULATE THE PROBATE COURT IN SUCH COUNTIES, AND TO RELIEVE AND EXEMPT THE PROBATE JUDGE IN SUCH COUNTIES FROM PERSONAL LIABILITY FOR ERRORS, MISTAKES AND OMISSIONS OF EMPLOYEES SERVING UNDER ANY MERIT SYSTEM ACT OR CIVIL SERVICE SYSTEM.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in each county having a population of 300,000 or more, according to the last or any future federal census.

Section 2. The probate judge in each county of 300,000 population or more, where the employees of the probate court are selected under and serving pursuant to any merit system act or civil service system, shall not be personally liable to penalty, fine or damages arising or caused by the error, mistake or omission of any employee of such probate court serving under or pursuant to any merit system act or civil service system, when such error, mistake or omission was caused without his personal knowledge. It shall be the duty of the probate judge to have such error, mistake or omission corrected promptly when

brought to his attention. Such judges shall however, continue to be liable for any and all misuse or misappropriations of funds by any such clerks or assistants to the same extent and under the same conditions and penalties that such judges are liable therefor pursuant to law.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or otherwise becoming law.

Approved July 22, 1971.

Time: 11:00 A.M.

Act No. 90

H. 439—Perloff, Callahan, Therrell, Collins,
Downing, Stokes, Roberts, Wood,
Lyons, Nettles

AN ACT

TO APPLY TO ALL COUNTIES HAVING A POPULATION OF NOT LESS THAN 300,000 NOR MORE THAN 500,000, ACCORDING TO THE LAST OR ANY FUTURE FEDERAL CENSUS, TO FURTHER REGULATE THE PROBATE COURT IN SUCH COUNTIES, AND TO PROVIDE FOR THE CLOSING OF THE OFFICE OF THE JUDGE OF PROBATE COURT OF SUCH COUNTIES.

Be It Enacted by the Legislature of Alabama:

SECTION I

This Act shall apply in each county having a population of not less than 300,000, nor more than 500,000, according to the most recent federal decennial census, or any future federal census.

SECTION II

The Probate Judge of each county having a population of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census, or any future federal census is hereby authorized and empowered at his discretion to close the Probate Court, the Office of the Judge of Probate or both at any time when less than one-third of the employees of said Court or said Office report for duty or remain on duty, or when because of threats, riots, civil disorders or for any other reason the health, well being or lives of the personnel of said Court or said Office, or the records thereof may be in danger then at the discretion of the Probate Judge, the said Probate Court, or said Office, or both may be closed for public business for one day or more as he may deem appropriate. The closing

shall be done by order of the Probate Judge spread upon the minutes of the Court.

SECTION III

All laws or parts of laws which conflict with this Act are repealed.

SECTION IV

This Act shall become effective immediately after its passage and approval by the Governor or its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:02 A.M.

Act No. 91 **H. 452—Straiton, Harris, Taylor, Jones (F),
Hobbie**

AN ACT

To amend Sections 10 and 30 of Act No. 905, H. 1510, Regular Session 1961, an act creating the Montgomery County Court, in relation to the compensation of the judge of the court, and court costs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 905, H. 1510, Regular Session 1961, an act creating the Montgomery County Court (Acts 1961, v. 2, p. 1433), as heretofore amended, is hereby further amended to read as follows:

"Section 10. That the salary of the Judge of this Court shall be Eighteen Thousand Dollars per annum, payable in equal monthly installments out of the general fund of the treasury of Montgomery County, upon warrants drawn upon the county treasury, in the same manner as the salaries of the other county officers are now paid."

Section 2. Section 30 of Act No. 905, H. 1510, Regular Session 1961, an act creating the Montgomery County Court (Acts 1961, v.2, p. 1433), is hereby amended to read as follows:

“Section 30. That the same fees and costs that are now or may hereafter be allowed by law to justices of the peace in all civil and criminal cases shall be taxed and collected by the clerk in such cases in said Court in the same manner as is now or may hereafter be provided by law for taxing and collecting costs in the courts of justices of the peace in this State, and when collected shall be paid by the clerk of said Court once a

month into the treasury of said county; provided that in civil cases for summons and proceedings thereon if the claim be for no more than \$50., the fee for the clerk of the court shall be 50¢; if the claim be for more than \$50. and not more than \$100., the fee shall be \$1.; if the claim be for more than \$100. and not more than \$250., the fee shall be \$1.50. And provided further, that where the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or on a conditional sales contract, the balance of the mortgage debt or purchase price as the case may be, or the value of the property in suit, whichever may be greater, shall be used for determining the amount of costs to be taxed and collected”.

Section 3. That if for any reason any section, clause or provision of this Act shall be declared invalid or unconstitutional, it shall not be deemed or held to affect any other section, clause or provision, but the same shall remain in full force or effect.

Section 4. That all laws, whether local, general, or special, in conflict with the provisions of this Act be, and the same are hereby repealed, insofar as they may conflict with the provisions of this Act.

Section 5. The provisions of Section 1 of this Act shall take effect on the first Monday after the second Tuesday in January 1973, at the beginning of a new term of the Judge of this Court. The provisions of Section 2 of this Act shall take effect on October 1, 1971, as to suits filed on and after said date.

Approved July 22, 1971.

Time: 11:06 A.M.

Act No. 92

H. 214—Baker, Chesnut

AN ACT

To provide a secretary for the County Solicitor (Deputy District Attorney) of DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Solicitor (Deputy District Attorney) of DeKalb County, Alabama is authorized a full-time secretary.

Section 2. The secretary of a County Solicitor (Deputy District Attorney) of DeKalb County shall receive a salary to be set by the DeKalb County Commission or Governing body of said County and shall be paid out of any funds in the County Treasury designated by the DeKalb County Commission or Governing body of said county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:04 A.M.

Act No. 93

H. 238—Fite

AN ACT

To amend Act No. 342, H. 809, of the Regular Session of 1969 (Acts 1969-1970, p. 713), which regulates further night-time hunting in certain counties of the state classified on a population basis, so as to authorize the taking, catching or killing of raccoons and o'possums in such counties during nighttime hours with a shotgun using number 8 shot as well as a .22 rifle using short cartridges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 342, H. 809 of the Regular Session of 1969 (Acts 1969-70, p. 713), entitled "An Act Regulating further nighttime hunting in certain counties of the state classified on a population basis; providing for the taking, catching or killing of raccoons and o'possums during nighttime hours, but only under certain conditions and with a certain kind of gun and ammunition in such counties, when authorized by a rule of the director of conservation; and providing penalties," is hereby amended to read as follows:

"Section 2. In all counties to which this Act applies it shall be unlawful, except as to trapping as otherwise provided by law, for any person to take, capture or kill or attempt to take, capture or kill any bird or animal protected by the laws of this State between sunset and daylight of the following day. Provided, however, the Director of Conservation shall have the authority, by a duly promulgated regulation, to allow the taking, catching or killing of racoons and o'possums between sunset and daylight in any county or counties to which this Act applies. Provided, further, that in any county where the taking, catching or killing of raccoons and o'possums is permitted during said nighttime hours, by regulation of the Director of Conservation, such animals may only be legally taken with the use of a light and a shotgun using number 8 shot or a .22 caliber rifle using .22 caliber short cartridges and the person or persons so hunting must not have in their possession any ammunition, except number 8 shot or short cartridges for a .22 caliber rifle, and must be accompanied by a dog or dogs, (and if hunting on the lands of another they must have the written permission of the landowner.) Any person violating any of the provisions of this

Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offense and at the discretion of the court may be imprisoned in the county jail for a period not to exceed six months."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:08 A.M.

Act No. 94

H.J.R. 63—Burgess, Wynot, Merrill, Stewart

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF J. M. WOODS, AN OUTSTANDING CITIZEN OF CALHOUN COUNTY, ALABAMA.

WHEREAS the Legislature was greatly saddened to learn of the death of Mr. J. M. Woods, age 82, who died June 20, 1971, and who was one of the outstanding citizens of Calhoun County, Alabama; and

WHEREAS Mr. J. M. Woods was the mayor of Jacksonville, Alabama, three times and had served on the city council and on the Calhoun County Board of Revenue; and

WHEREAS Mr. J. M. Woods was a former chairman of the Calhoun County Commission, a former member of the County Board of Equalization and a former state and county license inspector; and

WHEREAS Mr. Woods was a former president of the State Association of County Commissioners and was very active in civic work, the scouts, the polio foundation, and had been very active in work helping the Odd Fellow Orphans Home, was a member of the Masonic Order and was a past Grand Master of the State Independent Order of Odd Fellows and was a former banker; and

WHEREAS Mr. Woods' death will be greatly mourned by his many friends throughout the State and in the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the passing of Mr. J. M. Woods, one of the outstanding citizens of Calhoun County, Alabama.

BE IT FURTHER RESOLVED That a copy of this resolution be sent by the Clerk of the House to Mr. Woods' family.

Approved July 22, 1971.

Time: 11:09 A.M.

Act No. 95

H.J.R. 64—Turnham, Drake

HOUSE JOINT RESOLUTION

COMMENDING HERMAN T. PRUETT FOR HIS OUTSTANDING CONTRIBUTIONS TO THE PEOPLE OF THE STATE OF ALABAMA

WHEREAS, Herman T. Pruett has contributed 38 years as an educator to the people of the State of Alabama; and

WHEREAS, the contributions Herman T. Pruett has made to the lives of many young people, their parents and friends toward increasing their knowledge in the fields of agriculture, vocational and adult education, the Cooperative Extension Service and other vocations are vast; and

WHEREAS, Herman T. Pruett has given unselfishly of his valuable time and energy to make it possible for scores of young people to attend college who would not otherwise have been able to do so; and

WHEREAS, Herman T. Pruett should be duly recognized upon his retirement from Auburn University after 22 years of service with that State Institution,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Herman T. Pruett be recognized as one of the great agricultural, vocational and adult educators in the history of the State of Alabama.

That Herman T. Pruett has served with distinction toward furthering the work in agriculture, and vocational and adult education for the young people of the State of Alabama, and that this program be broadened and encouraged.

That the House of Representatives extend to Herman T. Pruett its sincere appreciation for the work performed in the State of Alabama and for his 22 years of employment with Auburn University.

That Mr. Pruett's untiring efforts in assisting the economic conditions of the State of Alabama be commended, as well as

his deep sense of fairness and justice in his work for the State of Alabama, and it's people.

BE IT FURTHER RESOLVED, That the clerk of the House be directed to send a copy of this resolution to Mr. Herman T. Pruett.

Approved July 22, 1971.

Time: 11:10 A.M.

Act No. 96

H.J.R. 65—Lutz, Hearn, King, Hale,
Grainger

HOUSE JOINT RESOLUTION

Congratulating and commending the Lee High School baseball team on winning the State 3A - 4A Championship.

WHEREAS, The Lee High School baseball team of Huntsville has won the 1971 State 3A - 4A baseball championship by winning eleven straight playoff games; and

WHEREAS, The Lee baseball team has amassed a record of sixty-one victories and three losses over the past three years; and

WHEREAS, The members of the Lee baseball team have brought great honor to themselves, the student body of Lee High School, their coaches and to the City of Huntsville by demonstrating their athletic skill and sportsmanship.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING. That the Legislature does hereby congratulate and commend the baseball team of Lee High School (Huntsville) on winning the State 3A - 4A baseball championship, and for the credit that they have brought to their school and their community.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Lee High School baseball team, Coach Max Burleson and his staff, and to Mr. Fulton Hamilton, principal of Lee High School.

Approved July 22, 1971.

Time: 11:11 A.M.

Act No. 97

H.J.R. 67—Headley

HOUSE JOINT RESOLUTION

Commending Mr. Frank Basil Clark, National President of the Possum Growers and Breeders Association of America for focusing National attention on Chilton County and Alabama.

WHEREAS, Mr. Frank B. Clark did recognize the importance of the Possum as a beautiful pet and delicious, nutritious and rarely prepared dish and,

WHEREAS, Mr. Frank B. Clark did realize that the once so popular and delicious meat of Possum and sweet potatoes was becoming a forgotten Southern meal and,

WHEREAS, Mr. Frank B. Clark did organize the National Possum Growers and Breeders Association of America with National Headquarters in Clanton, Chilton County, Alabama for the purpose of protection and betterment of the O'possum and,

WHEREAS, Mr. Frank B. Clark has promoted the Possum Growers Association through T.V. appearances and by the press and,

WHEREAS, Mr. Frank B. Clark has personally presented the President of the United States and the Governor of Alabama with certificates of membership in the Possum Growers and Breeders Association.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both houses thereof concurring, that we commend Mr. Frank B. Clark for his leadership and untiring effort for bringing National attention to the importance of the possum.

Approved July 22, 1971.

Time: 11:13 A.M.

Act No. 98

H.J.R. 69—Hobbie, Casey

HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF FRANK WAKEFIELD,
BUDGET EXAMINER.**

WHEREAS Frank Wakefield, budget examiner for the State of Alabama, died Saturday, June 26, after a brief illness; and

WHEREAS Frank Wakefield's zealous services to the State and to both Houses of this body have earned him the respect and admiration of members of both the Legislative and Executive branches of state government; and

WHEREAS his knowledge, skill, and ability have made him an invaluable public servant and one whose presence will

be sorely missed by administrators and legislators alike, in the struggle to resolve the state's financial problems; and

WHEREAS Frank Wakefield's long and loving labors in Masonic and Shrine activities have earned him many awards and honors and, at the last, the ultimate ritual, devotedly administered by his beloved brethren; and

WHEREAS Frank Wakefield's warm and friendly personality endeared him to his many friends on all levels here at the Capitol, who will all be richer for having known him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply mourns the untimely passing of our friend Frank Wakefield, and extends its deepest and most heartfelt sympathy to his widow, Ann Wakefield, and all members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Ann Wakefield.

BE IT FURTHER RESOLVED, That a copy be sent to Alcazar Temple to be posted there in remembrance of Frank Wakefield.

Approved July 22, 1971.

Time: 11:14 A.M.

Act No. 99

H.J.R. 70—Reynolds

HOUSE JOINT RESOLUTION

TO NAME A BRIDGE IN COLBERT COUNTY "LURLEEN - BUZZARD ROOST CREEK BRIDGE"

WHEREAS the name of the late Governor Lurleen Burns Wallace has come to symbolize to the people of Alabama, the United States, and the World, the virtues of courage, fortitude, devotion to duty, and concern for the underprivileged; and

WHEREAS the late Governor Lurleen Burns Wallace has aroused great admiration among the men and women of Alabama and the nation because of her capable leadership of this great State and her outstanding contributions to humanitarian pursuits; and

WHEREAS her untimely death caused great sorrow among all the people of Alabama and although her name will always be enscribed upon the hearts of those who loved beauty and

courage, it is as a remembrance of her and a token of our affection for her, that we leave this memorial; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge at White Pike Road over Buzzard Roost Creek located five miles south of Cherokee, Alabama in Colbert County, shall be henceforth known as the "Lurleen - Buzzard Roost Creek Bridge."

Approved July 22, 1971.

Time: 11:15 A.M.

Act No. 100

H.J.R. 71—Merrill, Mathews, Stewart,
Burgess

HOUSE JOINT RESOLUTION

COMMENDING MISS CEIL JENKINS FOR BEING NAMED MISS ALABAMA AND EXTENDING AN INVITATION TO VISIT THE LEGISLATURE

WHEREAS Miss Ceil Jenkins, the beautiful and talented daughter of Mr. and Mrs. Burton Jenkins of Birmingham, has been named Miss Alabama of 1971; and

WHEREAS Miss Jenkins will be a senior this fall at Jacksonville State University where she is an honor student, majoring in physical education, and is a member of Phi Mu sorority; and

WHEREAS Miss Jenkins, prior to being named in Birmingham as Miss Alabama, was selected as Miss Northeast Alabama; and

WHEREAS many honors have come to Miss Jenkins, who is a graduate of Shades Valley High School, since she entered and won her first contest as Miss Teen-Age at the Birmingham Teen-Age Pageant other subsequent honors being:

First Runner-up in Miss Alabama Pageant in 1970;
Finalist in Miss Teen-Age America Contest;
Third Alternate in Alabama Junior Miss Contest;
Miss Mimosa, Jacksonville State University, 1970;
Sophomore Class Beauty, Jacksonville State University;
Gen of the Hills, Jacksonville State University;
Cheerleader, Jacksonville State University;
Miss Magic City of Birmingham, Alabama;
Miss Christmas Seal of Birmingham, Alabama; and

WHEREAS Miss Jenkins not only richly deserves the many honors which have come to her, but her personality and charm, in addition to her brains and beauty, make her an admirable candidate for Miss America; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Miss Jenkins upon her selection as Miss Alabama and extend to her a most cordial invitation to visit the Legislature at a time which meets with her convenience.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Jenkins.

Approved July 22, 1971.

Time: 11:16 A.M.

Act No. 101

H.J.R. 72—Bowers, Gafford, Meeks,
Waggoner, Boutwell, Weeks,
Parker (H), Crowe, Doss,
Erdreich, Timmons, Dill,
Jones (E), Falkenburg,
Adwell, Bank, Lyons,
Collins, Culver, Wallace

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JOHN A. "BUCK" JENKINS

WHEREAS death came to Mr. John A. "Buck" Jenkins on August 18, 1970 in Miami Beach Florida while he was attending the seventy first V.F.W. National Convention; and

WHEREAS Mr. Jenkins was born in Geneva, Alabama. He attended Marion Institute, Washington and Lee University and Birmingham-Southern College. He "read" law privately and was admitted to the Bar in 1932; and

WHEREAS Mr. John A. "Buck" Jenkins was a former the only Alabamian ever elected as National Commander in Alabama State Commander of the Veterans of Foreign Wars and Chief of that organization; and

WHEREAS Mr. Jenkins served as special advisor in veterans affairs to the President of the United States in 1965, and in cooperation with the Department of Defense, he toured the Far East, conferring with Generalissimo and Madam Kai-shek, and the Premiers of Indonesia, Singapore and South Viet Nam.

Upon his return he conferred with President Johnson on the Viet Nam situation; and

WHEREAS Mr. Jenkin's civic activities were many and varied, he served as President of the Alabama Tuberculosis Association and at the time of his death was Chairman of the Alabama Clean Air Committee and Vice-Chairman of the Alabama Air Pollution Control Commission; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our sorrow on the death of Mr. John "Buck" Jenkins and we extend our heartfelt sympathy to his widow, Louise, his two daughters, and his son.

Approved July 22, 1971.

Time: 11:17 A.M.

Act No. 102

H.J.R. 74—King, Hearn, Culver, Hale, Grainger, Lutz, Ellis, Jones (F), Harris, Straiton, Taylor, Reed (T), Coshatt

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE WALKER HOBBIIE UPON BEING HONORED BY THE NATIONAL FRATERNAL ORDER OF POLICE

WHEREAS our good friend and esteemed colleague, Representative Walker Hobbie of Montgomery, has been selected by the National Fraternal Order of Police in third place as best friend of policemen in the country; and

WHEREAS Representative Hobbie was selected from more than one hundred entries and sixty-seven finalists after several ballots were taken, which showed newspaper columnist and radio and television commentator, Paul Harvey, and Philadelphia Judge Leo Weinrott tied for first place; and

WHEREAS Representative Hobbie finished in the balloting ahead of many notable nominees such as Senator Harry Byrd, Jr., of Virginia, numerous legislators from various states and several judges and attorneys general; and

WHEREAS Representative Hobbie's selection came as a result of his diligent and effective legislative efforts in behalf of Alabama policemen and his dedication to the cause of law enforcement; and

WHEREAS Representative Hobbie will accept his award at the national convention of Fraternal Order of Police in Phoenix, Arizona during the week of August 8-12; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we tion which he has received from the Fraternal Order of Police heartily commend Representative Hobbie for the high recognition which he so richly deserves. We extend to him every best wish for a most enjoyable and informative trip to Arizona to receive this award.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the National Fraternal Order of Police and to Mr. Robert Bryant of Montgomery, President of the Alabama Fraternal Order of Police, and to the Montgomery Advertiser and Alabama Journal.

Approved July 22, 1971.

Time: 11:18 A.M.

Act No. 103

H.J.R. 76—Bowers

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. W. H. LEIGH

WHEREAS the State of Alabama suffered a severe loss in the death of Mr. W. H. Leigh of Birmingham on June 9, 1971; and

WHEREAS Mr. Leigh, who was affectionately known as "Bill" by a host of friends and admirers, was a dedicated and active member of the First United Methodist Church to which he gave his untiring efforts as social worker, leader and officer; he was past president of the George R. Stuart Bible Class, teacher of the young people's class, had been a member of the administrative board since 1929 and in 1944 was made vice-chairman, and since April of 1952 had been director of the church's lay activities; and

WHEREAS Mr. Leigh possessed a spiritual design for living, studded with priceless and eternal values which communicated itself to all with whom he came in contact and instilled in others an abiding faith and challenge to share the opportunities of the good life; and

WHEREAS Mr. Leigh was a man of boundless energy who devoted himself to the aid and encouragement of persons in all walks and conditions of life wherever the need existed, thus

making every segment of this world which he touched a better place for his having lived; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Mr. W. H. Leigh and extend our heartfelt sympathy to the surviving members of his family, to whom copies of this resolution shall be sent.

Approved July 22, 1971.

Time: 11:20 A.M.

Act No. 104

H.J.R. 80—Hearn, Grainger, Hale, King,
Lutz

HOUSE JOINT RESOLUTION

WHEREAS Leander Raphael Patton, a native Alabamian, is a truly distinguished person, having been captain of his high school baseball, football, and basketball teams, a member of the Student Council and President of his Senior Class; and while in college having served as assistant to the Dean of Men, Business Manager of the Student Newspaper, Superintendent of the College Sunday School and President of the Athletic Club; and,

WHEREAS, he has spent most of his adult life serving his alma mater, the Alabama Agricultural and Mechanical School, in various capacities, and as Business Manager for the last nineteen years; and,

WHEREAS, his personality, thoughtfulness, patience, tolerance and fairness have endeared him to thousands of young college students as well as providing for them an inspiration to develop such characteristics; and,

WHEREAS, his loyalty, dependability, efficiency, integrity and devotion have provided an example that has contributed immeasurably to the welfare of his school; and,

WHEREAS, the Legislature of Alabama desires to give special recognition to someone who has meant so much to his community, his friends and associates, and his school, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that we hereby designate and name the classroom administration building now under construction at the Alabama Agricultural and Mechanical University as the "L. R. PATTON HALL" in honor of this inspiring and dedicated man, and further direct that such name be appro-

priately inscribed on or affixed to the building in such manner as the President of the University may direct; and,

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the said L. R. Patton.

Approved July 22, 1971.

Time: 11:21 A.M.

Act No. 105

H.J.R. 84—McDonald, Drake, St. John

HOUSE JOINT RESOLUTION

DECLARING THE WEEK OF JULY 11-17 ALABAMA POULTRY PRODUCTS WEEK

WHEREAS the poultry industry is Alabama's largest agricultural industry, accounting for approximately thirty percent of the total farm income in Alabama; and

WHEREAS in less than ten years the Alabama Poultry Industry has grown from total annual sales of \$100 million to in excess of \$262 million; and

WHEREAS Alabama is the third largest broiler producing state in the nation and ranks sixth in egg production, having produced 2.72 billion eggs in 1970 and 1.5 million broilers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of July 11-17 is hereby declared to be "ALABAMA POULTRY PRODUCTS WEEK."

BE IT FURTHER RESOLVED That the Clerk of the House send a copy of this resolution to the Alabama Poultry Association.

Approved July 22, 1971.

Time: 11:22 A.M.

Act No. 106

S. 13—Horne, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Hammond, Harris, Hawkins, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Noonan,

O'Bannon, Owen, Pelham, Pierce,
Register, Shelby, Vacca, Weaver,
Wilder, Wilson

AN ACT

Relating to mandatory education for exceptional children, including but not limited to the mentally retarded, the speech impaired, the deaf and hearing impaired, the blind and vision impaired, the crippled and otherwise physically handicapped, the emotionally conflicted, the socially maladjusted, those with special learning disabilities, the multiply handicapped, and the intellectually gifted; providing that each county, municipal or other board of education in the State of Alabama and the school district associated therewith shall provide not less than twelve years of appropriate instruction and related special services for such exceptional children at public expense; providing for the implementation of said mandatory education for said exceptional children; providing for the respective roles of the State Board of Education and the local boards of education in said implementation; providing for the judicial enforceability of implementation plans through suits and actions authorized to be brought; providing for the adoption of regulations by the State Board of Education and the effect of said regulations; to provide for long-range implementation plans and the periodic review thereof by the State Board of Education; providing for teacher units for such exceptional children; providing for classification and placement of exceptional children in school programs and classes; providing for the confidentiality of records of such exceptional children and providing for access to said records by appropriate persons; providing that certain state departments, boards and institutions shall make available to superintendents of local boards of education, certain information concerning persons who might be exceptional children; providing for the furnishing of certain textbooks, equipment and materials to local boards of education for the use of vision and hearing impaired children and those having other special learning disabilities; providing for allowances from the special educational trust fund (the minimum program fund) of certain amounts for bus transportation of such exceptional children who are unable to ride regular school buses; authorizing the State Board of Education to make certain training grants in exceptional child education to persons under certain conditions to qualify them to meet certain professional requirements; providing that this Act may be referred to as the "Alabama Exceptional Child Education Act"; providing that the provisions of this Act shall be severable; and providing for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Exceptional children" means persons between the ages of six and twenty-one years who have been certified under regulations of the State Board of Education by a specialist as being unsuited for enrollment in regular classes of the public schools or who is unable to be educated or trained adequately in such regular programs including, but not limited to: the mildly and

moderately to severely retarded, but not including the profoundly retarded; the speech impaired; the deaf and hearing impaired; the blind and vision impaired; the crippled and those having other physical handicaps not otherwise specifically mentioned herein; the emotionally conflicted; the socially maladjusted; those with special learning disabilities; the multiply handicapped; and the intellectually gifted.

"Placement Committee" means a committee so designated and appointed by the superintendent for determining the eligibility of exceptional children for placement in special school programs or classes, which committee shall be composed of representatives from the fields of medicine, education and psychology whenever practicable. Said committee, after study of all data available on each exceptional child, shall make recommendations concerning each child's admission to a school program or class or withdrawal therefrom.

"Retarded" means having subaverage general intellectual functioning which (1) either originates during the developmental period or results from brain damage caused by disease or physical injury occurring subsequent to the developmental period, and (2) is associated with impairment in adaptive behavior.

"School board" means a county, municipal or other board of education in the State of Alabama and the school district associated therewith.

"Specialist" means a physician, psychologist, psychometrist or other professional personnel qualified pursuant to regulations established hereunder by the State Board of Education to examine children for the purpose of determining whether they are exceptional children.

"Special services" means services relating to instruction of exceptional children (but not including the instruction itself) including, but not limited to: administrative services; transportation; diagnostic and evaluation services; social services; physical and occupational therapy; job placement; orientation and mobility training; brailist services and materials; typists and readers for the blind; special materials and equipment; and such other similar personnel, services, materials and equipment as may from time to time be approved by regulations adopted hereunder by the State Board of Education.

"Superintendent" means the superintendent of a school board.

Section 2. Use of Phrases. The following provisions shall be applied wherever appropriate herein:

"Herein," "hereby" "hereunder," "hereof," and other similar words of reference shall refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 1 hereof shall be deemed applicable whether the words defined are used in the singular or plural.

Section 3. Education Required for Exceptional Children. Each school board shall provide not less than twelve consecutive years of appropriate instruction and special services for exceptional children, beginning with those six years of age, in accordance with the provisions of this Act. Such public school instruction and special services shall be made available at public expense for each school year to exceptional children as provided herein. The funds for such instruction and special services shall be derived from state, county, municipal, district, federal or other sources or combinations of sources. Each school board shall set aside from its revenues from all such sources such amounts as are needed to carry out the provisions of this Act, if such funds are available without impairment of regular classes and services provided for non-exceptional children. If sufficient funds are not available to a school board to provide fully for all the provisions of this Act as well as the educational needs of non-exceptional children, such board must prorate all funds on a per capita basis between exceptional and non-exceptional children. No matriculation or tuition fees or other fees or charges shall be required or asked of exceptional children or their parents or guardians, except such fees or charges as may be charged uniformly of all public school pupils.

Section 4. Implementation of Program. Within one hundred twenty (120) days after the effective date of this Act, each school board in the State of Alabama shall take a careful and thorough survey of persons who (if thereafter certified by a specialist) would probably qualify as exceptional children residing in its school district, which survey shall show the name, age, sex and type of exceptionality of each exceptional child found by it. All such data descriptive of an individual person (as contrasted with compilations made therefrom which do not reveal information about specific individuals) shall be maintained in strict confidence and shall not be made available to anyone except to the survey-takers (in connection with those individuals who are reported by them), the appropriate superintendent and his staff, the appropriate school principal, the individual child's parent or guardian, and such other persons as may be designated in regulations adopted by the State Board of Education and under such conditions as may be provided therein. Within one hundred twenty (120) days after the completion

of said census, each school board in the State of Alabama shall prepare and adopt an incremental five year plan commencing with the school year beginning in September 1972 for the implementation of appropriate instruction and special services for exceptional children residing in its school district, including a reasonable procedure for obtaining certifications of exceptional children by a specialist. Such plan shall upon its preparation and adoption be submitted to the State Board of Education for its review and approval or disapproval in accordance with regulations promulgated hereunder by the the State Board of Education. If approved by the State Board of Education, such plan shall be binding upon the school board submitting it and shall be adhered to unless subsequent modifications of said plan shall thereafter be approved by the State Board of Education, in which case such modified plan shall be adhered to. If the State Board of Education shall disapprove a plan submitted by a school board, representatives of the State School Board shall consult and advise with said school board in an effort to formulate a plan which can be approved, provided, however, that disapproval of a plan or any amendments thereto shall be only because of failure of the plan to meet minimum standards set out in regulations of the State board adopted in accordance with Section 5 of this Act, and any such disapproval must specify in detail the reasons for such disapproval. If no such plan can be agreed upon, the State Board of Education shall provide a plan which shall be adhered to unless the school board shall within thirty (30) days thereafter file a suit in the circuit court of Montgomery County, Alabama, in equity, to restrain the enforcement of such plan on the ground that it is arbitrary, impracticable, detrimental to the education of exceptional children, or invalid. Only the said court specified above shall have jurisdiction of such suits and all such suits shall be given a preferred setting.

Section 5. Responsibilities of State Board of Education. The State Board of Education shall adopt as soon as may be practicable after the effective date of this Act (but not in any event later than 120 days after said effective date) regulations covering: (a) the qualifications of specialists for each type of exceptionality and standards for certification of exceptional children; (b) minimum standards of instruction and special services to be provided for each type of exceptionality at each age or grade level; (c) reasonable qualifications for teachers, instructors, therapists and other personnel needed to work with exceptional children; (d) guidelines for suitable five-year incremental plans for implementation of the program set forth in this Act for various types of typical situations likely to be encountered by school boards in the State of Alabama; and (e) such other rules and regulations as may be necessary or appropriate

for carrying out the purposes of this Act. Said regulations may be amended from time to time, said amended regulations to be effective ninety (90) days after written notice of said amendments has been transmitted to each school board in the State of Alabama. The State Board of Education shall receive, review and approve or disapprove plans submitted by school boards hereunder, and shall consult and advise with school boards whose plans are disapproved, provided, however, that disapproval of a plan or any amendments thereto shall be only because of failure of the plan to meet minimum standards set out in regulations of the State board adopted in accordance with Section 5 of this Act, and any such disapproval must specify in detail the reasons for such disapproval. If an approval cannot be worked out satisfactorily, the State Board of Education shall provide a plan which shall be binding on the school board unless its enforcement is restrained as provided in Section 4 above. The State Board of Education shall have the primary responsibility for enforcing compliance with such plans and with compliance of school boards with its regulations and the requirements of this Act. If any local board fails or refuses to implement the plan provided for under this Act, the Attorney General shall upon request of the State Board of Education, or upon the request of any private citizen, bring civil injunctive suits to enforce the implementation of such plan. If the State Board fails or refuses to carry out any duties required of it by this Act, the Attorney General shall upon the request of any private citizen, bring civil suits in Montgomery County to require that such duties be performed.

Section 6. School Board Plans. During the fifth year of implementation of the incremental five-year plan referred to above, each school board shall submit a long-range plan for providing appropriate instruction and special services for exceptional children and shall submit said long-range plan to the State Board of Education for its review and approval or disapproval. Such plan, unless thereafter modified with approval of the State Board of Education, shall be adhered to by the school board. Said long-range plans (and all modifications thereof) shall be resubmitted to the State Board of Education for its review and approval or disapproval at such intervals as may be established by the said State Board in regulations but not in any event less often than once every seven years or more often than once every two years. Provided, however, that disapproval of a plan or any amendments thereto shall be only because of failure of the plan to meet minimum standards set out in regulations of the State board adopted in accordance with Section 5 of this Act, and any such disapproval must specify in detail the reasons for such disapproval. The procedure for approving, disapproving, establishing and enforcing such long-range plans

shall be the same as that set forth hereinabove for the incremental five-year plans and the long-range plans shall include such provisions as may be appropriate for the following:

(1) Establishment of special education classes, instruction, curricula, facilities, equipment and special services;

(2) Utilization of teachers and other personnel;

(3) Attendance requirements for exceptional children;

(4) Services for exceptional children whose condition will not permit them to profit or benefit from any kind of school program, such as day care, recreation programs and other services and facilities; and

(5) Payment of tuition and other costs for attendance at appropriate semi-public or private schools or institutions which may be able to provide appropriate services for all or some exceptional children in comparison with that which can be provided through the school system, such as, for example: Children's Center of Montgomery; and Opportunity Center School in Birmingham. Such payment per exceptional child shall not exceed the average per pupil appropriation for all exceptional children in the school district, including allowances for teacher units, transportation and all other aid for exceptional children. Such payment shall, however, be limited to the extent that the child's needs cannot be met in the schools and further limited to private institutions which are approved or accredited for such training by the State Board of Education. Institutions which have not met minimal standards as may be prescribed by the State Board of Education shall not be eligible by direct or indirect means to receive state funds. No funds shall be expended for training in any school or institution outside the State of Alabama.

Section 6 (6). The enrollment of exceptional children at appropriate state institutions for such children, which enrollment shall relieve the school board from any further responsibility for any such child during the period of such enrollment.

Section 7. Teacher Units. (a) For each group of eight or more exceptional children not exceeding fifteen to be taught by a properly qualified full-time teacher as a special class or taught individually as homebound or hospitalized children unable to attend school for the major portion of a year, one teacher unit shall be allowed. The minimum number of pupils required for such unit may be reduced to not less than five, as authorized by regulations of the State Board of Education for special situations where the instruction of a larger number would not be feasible or practicable. One fifth of a unit may be authorized

for each exceptional child taught in communities where fewer than five exceptional children are in need of special instruction as determined by the school board.

(b) For each properly qualified member of the instructional staff devoting full time to the instruction or improvement of exceptional children from regular or special school programs as prescribed by regulations of the State Board of Education, one teacher unit shall be allowed.

(c) When exceptional children are unable to attend school because they are homebound or hospitalized, instructional services may be provided by a duly qualified teacher or teachers, and one teacher unit shall be allowed for each nine hundred instruction hours and a proportionate part of one unit shall be allowed for less than nine hundred instruction hours.

(d) Upon the conclusion of the initial five-year plan period provided for in this Act, the State School Board shall allocate teacher units by the method provided for in this Section 7 to each public state institution which provides residential care for exceptional children, such as, for example: Alabama Institute for Deaf and Blind; Alabama State Training School for Girls; Alabama Boys Industrial School at Mt. Meigs; Alabama Boys Industrial School at Birmingham; to the extent that appropriations for such teacher units are not otherwise provided for by law.

Section 8. General Provisions. No child shall be given special services under the terms of this Act as an exceptional child until he is properly classified as an exceptional child. Provided, however, the child's parent or guardian shall be informed of the reasons for such classification. A copy of the report certifying to the child's type of exceptionality shall be kept on file in the office of the principal of the school in which the child is enrolled and at such other places as may be prescribed by regulations of the State Board of Education. In providing for the instruction of exceptional children, the school boards shall utilize regular school facilities and adapt them to the needs of exceptional children, except as otherwise provided herein. No exceptional child shall be segregated and taught apart from other non-exceptional children until a careful study of the child's case has been made and evidence obtained which indicates that such segregation would be for the exceptional child's benefit or is necessary because of difficulties involved in teaching the child in a regular school program. Appropriate placement shall be made on the basis of the placement committee recommendation, wherever this is practicable. The principal of the school in which an exceptional child is taught shall keep a written record of the case history of each exceptional child, showing the

reason for any withdrawal of such exceptional child from the regular school program in the public school and his enrollment in or withdrawal from a special school program for exceptional children. Such confidential record shall be available for inspection by appropriate school officials and appropriate faculty at any time with the consent of the school principal.

Section 9. Reports on Exceptional Children. The Alabama Boys Industrial School, Alabama State Training School for Girls, Alabama Institute for Deaf and Blind, Alabama State Department of Mental Health, State Crippled Children's Service, the State Board of Health, and the Department of Pensions and Security shall direct their field workers to review their case records on or before March 31 of each year and to report to the superintendent of each school board the names and other pertinent information for all persons who might (if certified by a specialist) be exceptional children in the school district and whose conditions in their opinion might require special education services.

Section 10. Vision or Hearing Impaired and Those Having Other Special Learning Disabilities. The State Superintendent of Education is authorized to purchase and arrange for distribution among schools boards previously adopted textbooks, equipment and materials which are prepared in various resource and media centers, for the use of vision and hearing impaired children and those having other special learning disabilities enrolled in the public schools in Alabama or whose tuition and expenses at other schools are being paid by a school board under the provisions of this Act.

Section 11. Transportation. When authorized by regulations of the State Board of Education in lieu of the amount calculated on the basis of daily attendance otherwise authorized by law, there shall be allowed from the special educational trust fund (the minimum program fund) for each bus used exclusively for the purpose of transporting eight or more pupils classified as exceptional children who are unable to ride regular school buses eighty per cent (80%) of the cost of such transportation, and a proportionate amount shall be allowed for a vehicle used exclusively for the transportation of a smaller number of exceptional children in average daily attendance as prescribed by regulations of the State Board of Education.

Section 12. Scholarships for Special Teachers. The State Board of Education is authorized to make training grants to professional personnel who seek special training in exceptional child education to qualify said personnel to meet professional requirements set forth in said State Board's regulations, and shall be responsible for the administration of said program. Such grants are limited to personnel who are under contract to work

in the exceptional child program in this State, the training schools, the child training centers, and at the various residential facilities for exceptional children throughout the state for such contractual periods as the State Board of Education may by regulation specify, and to regular students who plan to work in the exceptional child program in this State and who sign a commitment satisfactory to the State Board of Education that they will take an appropriate available job at any location within the State of Alabama upon graduation or completion of their studies. Such commitments shall be binding upon those who sign them and receive scholarship aid, but the State Board of Education may waive the enforceability thereof in the event of extreme and unforeseen hardship. Each grant shall cover the cost of tuition, housing and food, from a minimum dollar amount for residence enrollment in specific courses approved by the state superintendent under the regulations of the State Board of Education. Said courses for which scholarships may be made available are those offered on the campuses of the institutions of higher learning in this State, except where necessary courses are not offered in this State. Where courses are not offered in this State in the areas requiring certification in exceptional child education, the recipient may receive said grant for attending an out-of-state institution of higher learning approved by the State Board of Education to meet the professional requirements of the State of Alabama.

Section 13. Short Reference. This Act may be referred to as the "Alabama Exceptional Child Education Act."

Section 14. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. Repealer. All laws or parts of laws in conflict with this Act are repealed.

Section 16. Effective Date. The Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 1:30 P.M.

Act No. 107

S. 245—Givhan

AN ACT

Relating to counties with populations of not less than 14,500 nor more than 15,500 according to the last federal decennial census; to

authorize the county commission in such counties to appropriate \$1,359.02 out of the general fund for the relief of Mrs. Grady Lee Lewis.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission in all counties with a population of not less than 14,500 nor more than 15,500 according to the last federal decennial census, is hereby authorized to pay Mrs. Grady Lee Lewis the sum of \$1,359.02 as compensation to her for the death of her husband, Grady Lee Lewis, which occurred as the result of injury received by him while working as an employee of such counties, and while in the line of performing his duties. Said injury and death occurred under such circumstances that said widow received no financial assistance with the hospital bills incurred.

Section 2. The county commission of such counties is hereby authorized to pay said amount of compensation to Mrs. Grady Lee Lewis out of the general funds of such counties.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:25 A.M.

Act No. 108

S. 288—Wilson

AN ACT

To repeal Act No. 102, H. 40, Special Session 1969, approved May 14, 1969 entitled "An Act relating to counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, to provide an expense allowance for the deputy or county solicitor in such counties." (Acts 1969, p. 178)

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 102, H. 40, Special Session 1969, approved May 14, 1969 entitled, "An Act relating to counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, to provide an expense allowance for the deputy or county solicitor in such counties," (Acts 1969, p. 178) is hereby expressly repealed.

Approved July 22, 1971.

Time: 11:26 A.M.

Act No. 109

S.J.R. 46—Wilson, Fine

SENATE JOINT RESOLUTION

Resolution inviting Sumiton Choral Group to perform before Joint Session of House and Senate.

WHEREAS, The Youth Choir of the Sumiton Church of God is a group of young people from Walker County, Alabama who have demonstrated their ability to sing chorally the songs of the Christian Church, and

WHEREAS, The Youth Choir of the Sumiton Church of God has harmoniously represented the State of Alabama by placing Third in a national choral competition and has recently toured the State of Florida performing songs in concert, and

WHEREAS, Among the members of the Houses of the Alabama Legislature; there are those who sincerely appreciate the rendition of Christian songs by an accomplished choir; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does hereby extend a most cordial invitation to the Youth Choir of the Sumiton Church of God to visit the Legislature of the State of Alabama and perform a concert of Christian songs before a joint session of the Senate and the House of Representatives of the State of Alabama on the date of the first joint session that meets their convenience.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Youth Choir of the Sumiton Church of God.

Approved July 22, 1971.

Time: 11:28 A.M.

Act No. 110

S. 337—Owen

AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census; relating to coroners, authorizing coroners to appoint deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as otherwise provided by local or special law, the coroner of any county may appoint one or more deputies, as he may think proper, who shall hold office at the pleasure

of the coroner and perform such duties as the coroner may direct.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:30 A.M.

Act No. 111

S. 349—Givhan

AN ACT

To amend the Title and Section 1 of Act No. 134, H. 417, Regular Session 1969 (Acts 1969, p. 408), which act provides expense allowances to be paid from the Gasoline Tax Fund to the members of the governing bodies of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 134, H. 417, Regular Session 1969 (Acts 1969 p. 408), is hereby amended to read as follows:

“An Act providing expense allowances for members of the governing bodies of counties having populations of not less than 14,500 nor more than 15,500 according to the most recent federal decennial census; and providing that such expense allowances shall be paid out of the County Gasoline Tax Fund.”

Section 2. Section 1 of said Act No. 134, H. 417, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census, the county governing body of the county may provide for the payment, from the county Gasoline Tax Fund, for an expense allowance for each member of the governing body, provided the amount of the allowance shall not exceed \$250.00 a month each. The amount of the allowance shall be fixed by resolution of the governing body, which shall be recorded in the minutes of such governing body. The chairman or presiding judge of the county governing body shall also be provided an expense allowance not to exceed \$300.00 a month. The exact amount of such allowance shall be fixed by resolution of the governing body. The allowances shall be paid out of the County Gasoline Tax Fund. Said expense allowance shall be in lieu of all expenses, including mileage, incurred inside Perry County, and shall not affect reimbursement of expenses

incurred by said officers outside the County in official performance of their duties.”

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 22, 1971.

Time: 11:35 A.M.

Act No. 112

S. 366—Givhan

AN ACT

Relating to all counties having populations of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census; providing for the manner of payment of the salaries of the sheriff and certain deputies in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission in all counties having populations of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census, is hereby authorized at its discretion to pay the salaries of the sheriff and all authorized deputies engaged in the regulation of traffic and in enforcing state traffic and motor vehicle laws from either general fund of the county or from the county highway and traffic fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:37 A.M.

Act No. 113

H. 13—Merrill, Burgess, Stewart

AN ACT

To provide for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, and fostering of off-street automobile parking facilities in the City of Anniston; authorizing the city council to create a parking authority or parking committee, and providing for its membership, authority and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby determined and declared that in the City of Anniston the free circulation of traffic of all kinds through the streets of said city is necessary to the health, safety and general welfare of the public; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in the streets of said city; that the parking of motor vehicles in the streets has contributed to this congestion; that such congestion prevents the free flow of traffic in, through and from the City of Anniston and impedes the rapid and effective fighting of fires and disposition of its police force, threatens irreparable loss in the values of urban property within the city which can no longer be readily reached by vehicular traffic and endangers the health, safety and welfare of the general public; that this traffic congestion is not capable of being adequately abated except by provisions of sufficient off-street parking facilities; that adequate off-street parking facilities have not been provided and parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this Act is hereby declared to be a public necessity.

Section 2. The city council or other municipal governing body of the City of Anniston is hereby authorized and empowered to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, and to manage said property and to develop any undeveloped property owned, leased or controlled by such city for the purposes hereinafter set out; to execute such contracts and other instruments and to take such other action as may be necessary and convenient to carry out the provisions of this Act or to exercise the power granted hereunder; to plan, establish, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities; to lease or let such facilities or any one or more of them to such tenant or tenants for such term, or terms, at such compensation or rental as the council or other governing body may from time to time direct; to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; to pledge for payment of such bonds any revenues or funds from which such bonds are made payable; to make and enter into contracts, leases and agreements incidental to or necessary for the accomp-

lishment of any purpose or purposes authorized by this Act; to make and enforce rules and regulations governing the use of any parking facilities owned or controlled by said city; to cooperate with the state, any county, city, town, public corporation, agency, department, or political subdivision of the State, and to make such contracts with them or any of them as the council or other governing body may deem advisable to accomplish the purposes of this Act; to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, from the state, any department or agency thereof and any political subdivision thereof and to receive and accept money, property, labor or other things of value from any source whatsoever; and to do any and all things necessary or convenient for the exercise of any power herein granted.

Section 3. The council or other governing body is hereby specifically authorized to lease any said parking facilities constructed under the provisions of this Act; provided, however, that prior to leasing any such parking facility the council or other governing body must determine and find the following: the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve fund which the council or other governing body may deem it advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility or facilities; and, unless the terms under which the project is to be leased, provided that the lessee shall maintain the project and carry all proper insurance (including liability insurance) with respect thereto, the estimated cost of maintaining the parking facility in good repair and keeping it properly insured. The lease agreement shall provide for the payment of rentals based on such findings and determinations as are sufficient (a) to pay the principle of and interest on the bonds issued to finance the parking facility, (b) to build up and maintain any reserves deemed by the council or other governing body to be advisable in connection therewith, (c) unless the agreement of lease obligates the lessee to pay for the maintenance and proper insurance (including liability insurance) of the parking facility, to pay the cost of maintaining the parking facility in good repair and keeping it properly insured. The lease agreement may, at the discretion of the council or other governing body, contain provisions prescribing minimum operating hours, maximum operating hours, maximum charges to be collected by the operator, and other terms to be observed by the lessee.

Section 4. The principal of and interest on any bonds issued under this Act shall be secured by a pledge of the revenue

out of which such bonds may be made payable and may be secured by a mortgage covering all or any part of any project or projects from which the revenues so pledged may be derived, and may be secured by a pledge of the lease of such project. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered by such proceedings or mortgage, the terms to be included in the lease of such project, the maintenance and issuance of such project, the creation and maintenance of special funds from the revenues from such project, and the rights and remedies available in event of default of the bond holders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this Act; provided, however, that in making any such agreements or provisions the City of Anniston shall not have the power to obligate itself except with respect to the project and the application of the revenues therefrom and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that, in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that, in the event of default in such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale at public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon the City of Anniston or any charge under its general credit or against its taxing powers.

Section 5. Any bonds issued hereunder and at any time outstanding may at any time and from time to time be refunded by the City of Anniston by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding any amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such refund-

ing may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable, or if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued under the authority of this Act shall be payable solely from the revenues out of which the bonds to be refunded thereby were payable, and shall be subject to the provisions contained in Section 4 of this Act, and may be secured in accordance with the provisions of Section 3 of this Act.

Section 6. The proceeds from the sale of any bonds issued under authority of this Act shall be applied only for the purpose for which the bonds were issued; provided, however, that any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold; and provided, further, that if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or the interest on said bonds. The cost of acquiring any project shall be deemed to include the following: the actual cost of the construction of any part of a project which may be constructed, including architect's and engineer's fees; the purchase price of any part of a project that may be acquired by purchase; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six months after completion of construction.

Section 7. The City of Anniston may pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and may use land already owned by the municipality, or in which the municipality has an equity, for construction thereof of a project; and the municipality may accept donations of property to be used as a part of any project and money to be used for defraying any part of the cost of any project.

Section 8. Bonds issued under the provisions of this Act shall be legal investments for savings banks and insurance companies organized under the laws of this state.

Section 9. The bonds authorized by this Act and the income therefrom, all mortgages executed as security therefor, all lease agreements made pursuant to the provisions hereof, and all projects and the revenues derived from any lease thereof shall be exempt from all taxation in the state of Alabama.

Section 10. The city council or other municipal governing body may, by local ordinance, create a parking authority or parking committee to which it may delegate all authority heretofore or hereafter held by said council with respect to the development, creation, operation and general supervision of any and all matters related to public parking. Said parking committee shall be composed of not less than seven nor more than thirteen members as the city council may decide, and all such members shall be residents of the City of Anniston and over the age of twenty-one years. In so far as is nearly mathematically possible, of the members first appointed, one-third shall be appointed for terms of two years, one-third for terms of three years and one-third for terms of four years. Thereafter all members of the committee shall serve for terms of four years. Upon the creation of the parking committee, it shall assume all authority of the city council with respect to public parking in the City of Anniston, and perform all duties in matters related thereto.

Section 11. Neither this Act nor anything herein contained shall be construed as a restriction or limitation upon any powers which the City of Anniston might otherwise have under any laws of this state, but shall be construed as cumulative; and this Act shall not be construed as requiring an election by the voters of said city prior to the issuance of bonds hereunder by such municipality.

Section 12. If any section, provision, or clause of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:47 A.M.

Act No. 114

H. 15—Merrill, Burgess, Stewart

AN ACT

To authorize, provide for and regulate the establishment and operation of a retirement system for certain employees of the City of Annis-

ton and certain incorporated and unincorporated municipal boards of the City; to authorize and provide for the establishment of the City of Anniston Retirement Trust Fund, to provide for the composition, management and administration of such trust fund; and to authorize, provide for and regulate the payment of benefits under the retirement system.

Be It Enacted by the Legislature of Alabama:

Section 1. A retirement system for certain employees of the City of Anniston and any incorporated and unincorporated municipal boards of the City may be established and a Retirement Trust Fund in connection therewith may be created, maintained and administered for the benefit of such employment in the manner hereinafter prescribed.

Section II. If the Mayor and the City Council of the City of Anniston (hereinafter referred to as the Employer) desire to establish such retirement system, they shall approve the Retirement Plan and Retirement Trust incorporating the terms and provisions of the retirement system and stating its effective date. The Employer shall also act upon the application of any incorporated or unincorporated municipal board (s) of the City who wish to participate in the Plan for the benefit of its employees.

Section III. Any Retirement Plan adopted pursuant to this Act shall:

1. Be designated and known as the City of Anniston Retirement Plan (hereinafter referred to as the Plan);

2. Provide for the establishment of the City of Anniston Retirement Trust (hereinafter referred to as the Trust or Trust Fund) so designed that it will qualify under Sections 401, 404 and 501 of the Internal Revenue Code of the United States as a tax-exempt Trust for Federal income tax purposes;

3. Prescribe conditions for membership in the Plan by employees of the Employer;

4. Provide for contributions by the Employer to the Trust from which benefits under the Plan will be paid;

5. Provide for and prescribe the manner and amount of the payment of benefits to an employee upon the event of normal retirement, early retirement, late retirement, disability retirement, death or other termination of employment with the Employer;

6. Provide for the conditions and eligibility requirements whereby an employee will qualify for a benefit under the Plan;

7. Prescribe rules for computing and determining the employee's service and average monthly earnings on which his benefits are to be determined;

8. Provide for the administration of the retirement system by a Retirement Committee, provide for the composition of this Committee prescribe the rights, powers, duties, authority and liabilities of such Committee and of the members thereof and may prescribe the effect to be given to decisions of such Committee relative to matters involving rights to benefits and the payment thereof from the Trust;

9. Authorize and provide for the execution of a trust agreement between the Employer and a bank, having a trust department duly licensed to serve as trustee in Alabama, to accept and administer the Trust created pursuant to the Retirement Plan authorized by this Act;

10. Provide for and prescribe the manner in which the Employer may terminate the Plan and/or Trust and the rules safeguarding the rights of members in the event of such termination;

11. Authorize, provide for and regulate amendments to the Retirement Plan and/or Retirement Trust established hereunder and provide further that such amendments may not be made without a written certification from a qualified actuary that such amendments will not adversely affect the actuarial soundness of the Plan;

12. Provide that such amendments may be made by the City Council of the City of Anniston, subject to the approval of the Mayor, without the consent of any other party, except that no amendment affecting the Trustee's duties, powers and responsibilities shall be made without his written consent;

13. Provide for the employment of a qualified actuary, authorize the use of tables, data and opinions furnished by the actuary and provide for periodic actuarial valuations of the Plan by such actuary;

14. Prescribe the manner of giving required notices, instructions and communications and of filing requests.

Section IV. The right of a person to a benefit under this Plan and the monies in the City of Anniston Retirement Trust are exempt from levy, sale, garnishment, attachment and any other process whatsoever, and shall be unassignable, except as in this Act specifically provided herein.

Section V. No provision of a Retirement Plan adopted hereunder shall bestow or purport to bestow or be construed to bestow on any employee of the Employer the right to be retained in its employ, nor shall any provision in such Retirement Plan be construed to curtail or in any manner interfere with the right

of the Employer to terminate the employment of any employee at any time.

Section VI. All benefits provided under any Plan adopted under this Act shall be payable by the Trustee under the direction of the Retirement Committee and solely from the Trust and the earnings thereon. Under no circumstances shall the Employer be liable for the payment of any such benefits, nor shall the Trustee or members of the Retirement Committee be individually liable therefor. Nothing hereinabove shall be deemed to relieve any person from liability for losses to the Trust resulting from his gross negligence or wilful misconduct in the administration of the Plan and Trust.

Section VII. A copy of the Retirement Plan and of any and all amendments thereto shall be kept at the office of the City Clerk and such copies shall be available to employees for inspection at all reasonable times.

Section VIII. The purpose of this Act is to provide a method for the retirement of the employees of the Employer, but it shall not be construed to abridge the right of the Employer to provide or participate in providing for the retirement of employees in any other way or manner prescribed by law.

Section IX. The provisions of this Act shall not apply to members or employees of the police department and fire department of the City of Anniston.

Section X. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section XI. This Act shall become effective immediately on its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:50 A.M.

Act No. 115

H. 97—Grey (D)

AN ACT

To amend the Title and Section 1 of Act No. 160, H. 182, Special Session 1969, (Acts 1969, p. 226), which act provides further for additional clerk hire allowance for the tax assessors and tax collectors of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 160, H. 182, Special Session 1969 (Acts 1969, p. 226), is hereby amended to read as follows:

"An Act To provide additional clerk hire allowances for the tax assessors and tax collectors, and providing for the disposition and use of such fees of all counties having a population of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census."

Section 2. Section 1 of said Act No. 160, H. 182 is hereby amended to read as follows:

"Section 1. In any county having a population of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census the tax assessor shall be allowed \$2,400 per annum as a clerk hire allowance and the tax collector shall be allowed \$1,200 per annum for clerk hire allowance to be paid in equal monthly installments, plus an additional \$300 per annum for each office which may be used for additional clerk hire when necessary."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed, and the provisions of Act No. 57, H. 59, Special Session 1967 (Acts 1967, p. 382), are specifically repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:52 A.M.

Act No. 116

H. 98—Grey (D)

AN ACT

Relating to counties having populations of not less than 14,000 nor more than 15,000, fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person

as provided in Code of Alabama, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county treasury. Two dollars of the amount of each fee collected shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff, in such amounts as he deems necessary; the remaining part of each fee collected shall be credited to the general funds of the county.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:53 A.M.

Act No. 117

H. 118—Lutz, Grainger, Hearn, Hale, King

AN ACT

To authorize the judge of probate of Madison County to designate a clerk or other assistant in his office as deputy chief clerk; to require such deputy chief clerk to take an oath of office and to be bonded; to provide for the filing of his bond and oath of office and for the payment of the cost thereof out of county funds; and to prescribe the powers, duties and authority of such deputy chief clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Madison County is hereby authorized to designate one of the clerks in his office as deputy chief clerk. Such deputy chief clerk, after he has taken the same oath of office directed to be taken by the chief clerk and given bond with surety satisfactory to the judge of probate in such sum as he may prescribe, shall be authorized to discharge any ministerial duty and to perform any act relative to the discharge of the duties of the judge of probate which the chief clerk is authorized to discharge, do or perform; except that such deputy chief clerk shall not be authorized to continue to perform the duties of the probate office in his own name in the event of a vacancy in the office of judge of probate, unless there is also a vacancy in the office of chief clerk. All such acts shall be done in the same manner prescribed by law for the doing thereof by the chief clerk. The deputy chief clerk and the sureties on his bond shall be liable for any misfeasance or malfeasance of the deputy chief clerk to the same extent that the chief

clerk and his bondsmen are liable for any misfeasance or malfeasance of the chief clerk.

Section 2. The county governing body of Madison County shall provide for the payment out of the county funds of the cost of the deputy chief clerk's bond. Such bond and the oath of office of the deputy chief clerk shall be approved and filed in the same manner prescribed by law for the oath and official bond of the chief clerk.

Section 3. This act shall not be construed to authorize the judge of probate to employ an additional clerk or assistant, nor to increase the compensation of the clerk or other assistant who is designated as deputy chief clerk. It shall only authorize such judge to designate an assistant or clerk whose employment is otherwise authorized by law as such deputy chief clerk.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental; however all laws or parts of laws in conflict or inconsistent with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 11:55 A.M.

Act No. 118

H. 178—Stubbs

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the city of Montevallo so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. To alter, re-arrange and extend the boundaries and corporate limits of the city of Montevallo so as to incorporate certain territory as described herein, to-wit:

A portion of land containing all of Fractional Section 27, Township 22 South, Range 3 West, that portion SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15, Township 22 South, Range 3 West, lying east of Spring Creek, the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 Township 22 South, Range 3 West, the West half of SW $\frac{1}{4}$ of Section 14,

Township 22 South, Range 3 West, and the following portions of Section 22, Township 22 South, Range 3 West: All of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying east of Dry Creek, the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying east of Spring Creek, the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ lying east of Spring Creek and all the South half, excepting that portion of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ lying east of Shoal Creek; all being in Shelby County, Alabama, and described more particularly as follows:

Begin at the southwest corner of said Fractional Section 27 and go eastward along the south side of same about 5272.0 feet; thence northward along the east side of same about 381.0 feet; thence continue northward along the east side of said Section 22, a distance of 3880.0 feet, more or less; thence eastward along the south border of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 about 1320 feet; thence northward along the east border of said NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 about 1320 feet to the south border of Section 14, Township 22 South, Range 3 West; thence continue northward along the east border of West half of SW $\frac{1}{4}$ of said Section 14 about 2640 feet to the north boundary of said SW $\frac{1}{4}$ of said Section 14; thence westward along the north boundary about 1320 feet to the west border of Section 15; thence southward along said west border of Section 15 about 2030 feet to the center of Spring Creek; thence easterly by southerly along said center line of Spring Creek and Dry Creek 4400 feet, more or less, to the center line of Section 22; thence westerly along said center line of Section 22 a distance of 2640 feet to the center line of Shoal Creek; thence southerly along the centerline of Shoal Creek 970 feet to the east line or border of Section 21; thence continue southerly along said east line of Section 21 about 1640 feet to the north border of Section 27; thence continue southerly along the west line of said Section 27 about 380 feet to the point of beginning, situated in Shelby County, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the city of Montevallo, voting in a referendum election to be held on a day designated by the probate judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the probate judge of Shelby County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama 1940, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such

provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the probate judge, nor need a plat or map of the territory to be annexed be filed with the probate judge. The question shall be on the adoption of Act to be introduced in a Session of the Legislature, which alters, rearranges and extends the corporate limits of the city of Montevallo in Shelby County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such Act the word "no" shall be written or printed on his ballot. The City of Montevallo shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "yes" the provisions of this Act shall become operative immediately. If the majority are "no" this Act shall have no further effect.

Approved July 22, 1971.

Time: 11:57 A.M.

Act No. 119

H. 204—Smith, (K)

AN ACT

To amend the title and Section 1 of Act No. 33, S. 63, Regular Session 1967 (Acts 1967, p. 364), which provides an expense allowance for county solicitors of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 33, S. 63, Regular Session 1967 (Acts 1967, p. 364), is hereby amended to read as follows:

"An Act to provide an expense allowance for county solicitors of counties having a population of not less than 33,550 nor more than 34,000, according to the last or any subsequent Federal decennial census."

Section 2. Section 1 of said Act No. 33, S. 63, is hereby amended to read as follows:

"Section 1. County solicitors of all counties in this state having a population of not less than 33,550 nor more than 34,000, according to the last or any subsequent Federal decennial census, shall be paid a monthly expense allowance by the county governing body from the general funds of such counties in the amount of One Hundred Fifty Dollars (\$150.00), said expense allowance to be in addition to all other expenses and allowances now authorized by law."

Section 3. This Act shall become effective September 1, 1971.

Approved July 22, 1971.

Time: 11:58 A.M.

Act No. 120

H. 205—Smith (K)

AN ACT

To amend the title and Section 1 of Act No. 188, S. 292, Regular Session 1967 (Acts 1967, p. 555), which Act prohibits the catching of fish by use of a gill or trammel net in public waters of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 188, S. 292, Regular Session 1967 (Acts 1967, p. 555), is hereby amended to read as follows:

“An Act to apply only in all counties of this state having not less than 33,550 nor more than 34,000 population according to the last or any subsequent federal decennial census, prohibiting the taking, catching, capturing, or killing game or non-game fish by use of a gill net or a trammel net in public waters in such counties.”

Section 2. Section 1 of said Act No. 188, S. 292, is hereby amended to read as follows:

“Section 1. It shall be unlawful for any person to take, catch, capture or kill any game or non-game fish by use of a gill net or a trammel net in any public waters in any counties having not less than 33,550 nor more than 34,000 population according to the last or any subsequent federal decennial census. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law.”

Section 3. This Act shall become effective September 1, 1971.

Approved July 22, 1971.

Time: 12:00 Noon

Act No. 121

H. 206—Smith (K)

AN ACT

To amend the title and Section 1 of Act No. 926, H. 893, Regular Session 1961 (Acts 1961, p. 1485), which act provides further for the

compensation and allowances of members of the jury commission and clerk of the jury commission of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 926, H. 893, Regular Session 1961 (Acts 1961, p. 1485), is hereby amended to read as follows:

“An Act to regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission of counties having populations of not less than 33,550 nor more than 34,000, according to the 1970 or any subsequent federal decennial census.”

Section 2. Section 1 of said Act No. 926, H. 893, is hereby amended to read as follows:

“Section 1. Each of the members of the jury commission and the clerk of the commission of counties having populations of not less than 33,550 nor more than 34,000, according to the 1970 or any subsequent federal decennial census, shall be entitled to compensation and mileage as prescribed by general laws, but the court of county commissioners, board of revenue, or other like governing body of the county may, in its discretion, increase the pay to an amount not exceeding \$15 a day and the mileage allowance to 10 cents a mile for each mile traveled.”

Section 3. This Act shall become effective September 1, 1971.

Approved July 22, 1971.

Time: 12:02 P.M.

Act No. 122

H. 210—Bassett, Hardin

AN ACT

To permit banks now or hereafter situated within the corporate limits of the City of Troy, Alabama, a municipal corporation, to establish, maintain or operate new branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business within the corporate limits of Troy, Alabama, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the state superintendent of banks, in the case of state banks, and with the written consent of the Comptroller of the Currency of the United States, in the case of national banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, whether incorporated or unincorporated, now or hereafter situated within the corporate limits of the City of Troy, Alabama, shall have the power to establish, maintain and operate within the corporate limits of said City, where the principal place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, provided that such bank before the establishment of any branch or branches shall first secure the written consent thereto of the state superintendent of banks, in the case of state banks, and with the written consent of the Comptroller of the Currency of the United States, in the case of national banks.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Approved July 22, 1971.

Time: 12:05 P.M.

Act No. 123

H. 219—St. John, Drake

AN ACT

To provide clerical assistance for the District Attorneys of circuits composed of one county having a population of not less than 50,000 nor more than 52,500.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of every judicial circuit which is composed of one county having a population of not less than 50,000 nor more than 52,500, according to the most recent federal decennial census, may appoint a clerical assistant, who shall serve at his pleasure. Such clerk shall perform such duties as the District Attorney may prescribe, and shall receive a salary of not more than \$5,000.00 per annum, to be paid in equal monthly installments out of the county treasury on warrants drawn in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:07 P.M.

Act No. 124

H. 304—Coshatt

AN ACT

Relating to the office of the sheriff of St. Clair County; to provide further for the salary of the chief deputy and other deputy sheriffs; to provide for the employment of additional deputy sheriffs; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff of St. Clair County shall receive a salary of \$7,200 per annum. Other deputies serving in the office of the sheriff of said county shall each receive an annual salary of \$6,600 per annum. The salaries of the chief deputy and other deputies shall be paid in equal monthly installments out of the general fund of the county.

Section 2. The sheriff of St. Clair County is hereby authorized to employ two additional deputies when the county commission deems the employment of such deputies is feasible.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed. Act No. 218, S. 248, Regular Session 1955 (Acts 1955, p. 529), Act No. 124, H. 154, 1st Special Session 1964 (Acts 1964, p. 180), and Act No. 95, H. 159, Regular Session 1969 (Acts 1969, p. 377), are specifically repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act shall be retroactive to June 1, 1971, and the Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:10 P. M.

Act No. 125

H. 314—Stubbs

AN ACT

To allow prospective jurors to be excused without the presence of the defendant in capital cases in the Eighteenth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by a jury is held before the Circuit Court in the Eighteenth Judicial Circuit of Alabama, the judge presiding over the empanelment of the jury

venire in said capital case is authorized to excuse any prospective juror outside the presence of the defendant provided said juror has a legal excuse for being excused and it shall be within the discretion of the judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by statutes now in force and effect.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:12 P.M.

Act No. 126

H. 393—Grainger, Lutz, King, Hearn, Hale

AN ACT

To provide for appointment and compensation of a secretary for each judge of any circuit court in counties having a population of not less than 175,000 nor more than 300,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Each judge of any circuit court in counties having a population of not less than 175,000 nor more than 300,000 may appoint a qualified person to serve as secretary. The secretary shall serve at the pleasure of the judge making the appointment, and shall be paid a salary from the general funds of said counties, on certificates of such judge in an amount to be set by the county Personnel Board, if such exists, or otherwise by the county governing body.

Section 2. Act No. 395, H. 919, Regular Session 1963, an act relating to counties having populations of not less than 110,000 nor more than 160,000, providing for appointment and compensation of a secretary for the circuit court judges, is hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:14 P.M.

in Washington County which, for the purpose of this act, includes the owning, controlling, managing, or leasing any oil or gas property or oil or gas well; and producing in any manner any oil or gas by taking it from the soil or waters, or from beneath the soil or waters of Washington County, and further includes receiving money or other valuable consideration as royalty or rental for oil or gas produced or because of oil or gas produced, whether produced by him or by some other person on his behalf, either by lease, contract, or otherwise, and whether the royalty consists of a portion of the oil or gas produced being run to his account or a payment in money or other valuable consideration.

Section 2. (a) In addition to the state privilege tax levied upon persons engaging in the business of producing or severing oil or gas or other hydrocarbons from the soil or waters of this state pursuant to Act No. 2, H. 47, approved May 19, 1945 (Gen. Acts 1945, p. 20), there is hereby levied, and to be collected as hereinafter provided, annual privilege taxes upon every person engaging or continuing to engage within Washington County, Alabama in the business of producing or severing oil or gas as herein, from the soil or the waters, or from beneath the soil or the waters of said county for sale, transport, storage, profit, or for use. The amount of such tax shall be measured at the rate of one per cent of the gross value of said oil or gas at the point of production.

(b) The tax is hereby levied upon the basis of the entire production in Washington County, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state or county; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or waters of said county, and in its natural, unrefined or unmanufactured condition.

Section 3. (a) The privilege tax hereby imposed in Washington County is levied upon the producers of such oil or gas in the proportion of their ownership at the time of severance, but, except as otherwise herein provided, the tax shall be paid by the person in charge of the production operations in said county who is hereby authorized, empowered, and required to deduct from any amount due to producers of such production at the time of severance, the proportionate amount of the tax herein levied before making payments to such producers. The tax shall become due and payable as provided by this act; and such tax shall constitute a first lien upon any of the oil or gas so produced when in the possession of the original producer or any purchaser of such oil or gas in its unmanufactured state or con-

Act No. 127

H. 443—Agee, McCorquodale

AN ACT

To levy in Washington County a county privilege tax upon every person engaging in the business of producing or severing oil or gas or other hydrocarbons from the soil or the waters, or from beneath the soil or the waters of Washington County, which tax shall be in addition of revenue in the same manner as the state oil and gas tax and to incorporate by reference certain provisions of said Act No. 2 with respect to assessments, and the time and manner of making reports and payments and the provisions thereof prescribing penalties for violations; tion to all other taxes including the state oil and gas tax levied by Act No. 2, H. 47, approved May 19, 1945 (Gen. Acts 1945, p. 20); to provide for the collection and enforcement of the tax by the state department to authorize the state revenue department to make rules and regulations to effectuate the purposes of this act; to provide for the disposition of the proceeds of said tax; and to prescribe additional penalties for certain violations.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The word "department" means the state department of revenue. (b) The word "county" means Washington County, Alabama. (c) The word "annual" means the calendar year, of the tax payer's fiscal year, when permission is obtained from the department to use a fiscal year as a tax period in lieu of a calendar year. (d) The word "value" means the sale price or market value at the mouth of the well. If the oil or gas is exchanged for something other than cash, or if there is no sale at the time of severance, or if the relation between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the department shall determine the value of the oil or gas subject to the tax hereinafter provided for, considering the sale price for cash of oil or gas of like quality. (e) The word "oil" means crude petroleum oil and other hydrocarbons regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the well. (f) The word "gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subsection (e) above. (g) The word "severed" means the extraction or withdrawing from the soil or water or from below the surface of the soil or water of any oil or gas, whether such extraction or withdrawal shall be by natural flow, mechanically enforced flow, pumping, or any other means employed to get the oil or gas from the soil or water or from below the surface of the soil or water. (h) The word "person" means any natural person, firm, co-partnership, joint venture, association, corporation, estate, trust, any other group or combination acting as a unit, and the plural as well as the singular number. (i) The word "producer" means any person engaging or continuing in the business of oil or gas production

dition. In the event the person in charge of production operations fails to pay the tax, then the department shall proceed against the producer to collect the tax in the manner hereinafter provided by this act.

(b) When any person in charge of production operations shall sell the oil or gas produced by him, the purchaser shall account for the tax.

(c) When any person in charge of production operations shall use or dispose of the oil or gas for fuel or any other purpose, he shall withhold the tax imposed by this act; and if he is required to pay other interest holders, he is hereby authorized, empowered, and required to deduct from any amounts due them the amount of tax levied and due under the provisions of this act before making payment to them.

(d) Every person in charge of production operations by which oil or gas is severed from the soil or waters, or from beneath the soil or waters, of said county who fails to deduct and withhold, as required herein, the amount of tax from sale or purchase price, when such oil or gas is sold or purchased under contract or agreement, or on the open market, or otherwise, shall be liable for the full amount of taxes, interest, and penalties due; and the department shall proceed to collect the tax from the person in charge of production operations, under the provisions of this act, as if he were the producer of the oil or gas.

Section 4. The state department of revenue is hereby authorized and directed to administer and enforce the provisions of this act and to collect all of the taxes levied under the provisions herein. To that end said department is authorized to promulgate and enforce all necessary rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue relating to assessments and the manner and time of payment of the tax levied by Act No. 2, H. 47, approved May 19, 1945 (General Acts 1945, p. 20), as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The department of revenue is hereby authorized to charge the county for collecting the special tax levied by this act whenever said department incurs costs therefor which are in addition to the costs for collecting the state oil and gas tax levied by Act No. 2, H. 47, approved May 19, 1945, as amended.

The amount charged shall be such amount as the commissioner of revenue and the county governing body shall agree upon, but shall not exceed ten percent of the amount collected. Such charges, if any, for collecting the taxes for the county may be deducted each month from the proceeds of the taxes collected before certifying the amount thereof due the county for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the department of revenue. On or before the tenth day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Washington County during the month immediately preceding the making of such certificate. Provided, that before certifying the amount of taxes paid into the state treasury for the benefit of the county during each month, the commissioner may deduct from the taxes collected in such month any charges due the department for the collection of the taxes for the county. From the amount paid into the State Treasury for the benefit of Washington County under the provisions of this act it shall be the duty of the comptroller to issue his warrants each month payable as follows: Each year the first \$150,000 shall be paid to the custodian of the Washington County School Funds and after the payment of said \$150,000 each year the balance of said funds shall be divided and paid $\frac{1}{3}$ to the custodian of the Washington County School Funds and $\frac{2}{3}$ to the custodian of the General Fund of Washington County. The amounts paid under the provisions of this act into the Washington County School Funds may be expended by the Washington County School Board of Education for any public education purposes in Washington County and the amounts deposited to credit of the General Fund of Washington County may be expended by the county governing body in the same manner and for the same purposes as are other monies in said general fund.

Section 7. Any party making or participating in a false return made under the provisions of this act or incorporated herein shall be guilty of perjury and upon conviction shall be punished in the manner prescribed by law.

Section 8. If it is brought to the attention of the department that any producer is guilty of violating any of the provisions of this act, the department is hereby authorized and required, through lawfully authorized counsel, to proceed in the courts of the State to obtain a writ of injunction, which writ shall be granted by the court when applied for in the man-

ner prescribed by law. The department, however, is hereby relieved of the requirement to furnish bond of any character.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. This act shall become effective October 1, 1971.

Approved July 22, 1971.

Time: 12:16 P.M.

Act No. 128

H. 464—Pruitt, Manley

AN ACT

Relating to counties with populations of not less than 14,500 nor more than 15,500 according to the last federal decennial census; to authorize the county commission in such counties to appropriate \$1,359.02 out of the general fund for the relief of Mrs. Grady Lee Lewis.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission in all counties with a population of not less than 14,500 nor more than 15,500 according to the last federal decennial census, is hereby authorized to pay Mrs. Grady Lee Lewis the sum of \$1,359.02 as compensation to her for the death of her husband, Grady Lee Lewis, which occurred as the result of injury received by him while working as an employee of such counties, and while in the line of performing his duties. Said injury and death occurred under such circumstances that said widow received no financial assistance with the hospital bills incurred.

Section 2. The county commission of such counties is hereby authorized to pay said amount of compensation to Mrs. Grady Lee Lewis out of the general funds of such counties.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:18 P.M.

Act No. 129

H. 468—Chestnut, Baker

AN ACT

Relating to Cherokee County; authorizing the county governing body and the governing body of each municipality in the county to contribute public funds for a volunteer rescue squad.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or other like governing body of Cherokee County is hereby authorized to appropriate or expend county funds for the purpose of providing contributions for the use of any organized and established volunteer rescue squad operating within the county. After the county governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions, payment shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. The governing body of any municipality in Cherokee County is likewise authorized to contribute municipal funds to such rescue squad when its governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions. Payment shall be made from municipal funds upon the warrant signed by the mayor or other presiding officer of the municipal governing body.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:20 P.M.

Act No. 130

H. 503—Wood

AN ACT

To provide that the laws governing the county-wide civil service system of Mobile County, Alabama, shall apply to the position of Assistant County Treasurer to be known as the Chief Assistant to the County Treasurer, unclassified, in the office of the County Treasurer of Mobile County, Alabama, and to provide for the person holding the position of Assistant County Treasurer to be known as the Chief Assistant to the County Treasurer, unclassified, to be placed on the employment roster of the civil service system of Mobile County, and to be placed in the proper class and salary level.

Be It Enacted by the Legislature of Alabama:

Section 1. That the laws governing the county-wide civil service system of Mobile County shall apply to any person hold-

ing the position of Assistant County Treasurer to be known as Chief Assistant to the County Treasurer, unclassified, in the office of the County Treasurer of Mobile County.

Section 2. That the person holding the position of Assistant County Treasurer to be known as the Chief Assistant to the County Treasurer, unclassified, in the office of the County Treasurer of Mobile County, on the effective date of this Act shall be placed forthwith in the classified service of the county-wide civil service system of Mobile County without any examination by the civil service system.

Section 3. In placing any person so affected by the provisions of this Act upon the employment roster of the classified service of the county-wide civil service system of Mobile County, such position shall be allocated to the appropriate class to reflect recognition of the fact that such position exceeds in authority and responsibility any other position under authority of the County Treasurer of Mobile County; and be paid a salary within the minimum and maximum of the range provided for such classification.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective on the first of the month next after its passage and approval.

Approved July 22, 1971.

Time: 12:22 P.M.

Act No. 131

H. 504—Wood

AN ACT

Relating to Mobile County; to provide that the presiding judge of the circuit court for Mobile County may authorize sessions of the circuit court and the Mobile County Juvenile Court to be held at any place within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The presiding judge of the Circuit Court for Mobile County is hereby empowered to issue written orders authorizing sessions of the circuit court and of the Mobile County Juvenile Court to be held at any place within the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:24 P.M.

Act No. 132

H. 516—McCluskey, Smith (P)

AN ACT

Relating to Talladega County; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the type of newspapers designated in Section 713 of title 7, Code of Alabama 1940, as last amended, in which publication of certain notices may be published, in Talladega County the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in such county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county, and regardless of whether or not said newspaper is mailed under the second class mailing privilege of the United States post office department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:26 P.M.

Act No. 133

H. 552—Pruitt, Manley

AN ACT

To apply only in counties having populations of not less than 16,700 nor more than 18,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama alcoholic beverage control board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within any county having a population of not less than 16,700 nor more than 18,000 according to the most recent federal decennial census, the provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding, and the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the

community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 23, 1971 without approval of the Governor.

Act No. 134

H. 560—Pruitt, Manley

AN ACT

To amend the Title and Section 1 of Act No. 134, H. 417, Regular Session 1969 (Acts 1969, p. 408), which act provides expense allowances to be paid from the Gasoline Tax Fund to the members of the governing bodies of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 134, H. 417, Regular Session 1969 (Acts 1969, p. 408), is hereby amended to read as follows:

“An Act providing expense allowances for members of the governing bodies of counties having populations of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census; and providing that such expense allowances shall be paid out of the County Gasoline Tax Fund.”

Section 2. Section 1 of said Act No. 134, H. 417, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census, the county governing body of the county may provide for the payment, from the county Gasoline Tax Fund, for an expense allowance for each member of the governing body, provided the amount of the allowance shall not exceed \$250.00 a month each. The amount of the allowance shall be fixed by resolution of the governing body, which shall be recorded in the minutes of such governing body. The chairman or presiding judge of the county governing body shall also be provided an expense allowance not to exceed \$300.00 a month. The exact amount of such allowance shall be fixed by resolution of the governing body. The allowances shall be paid out of the County Gasoline Tax Fund.”

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:28 P.M.

Act No. 135

H. 561—Pruitt, Manley

AN ACT

Relating to counties having populations of not less than 14,500 nor more than 15,500, fixing the fee for issuance of a pistol permit by the Sheriff, and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be five dollars, which shall be collected by the Sheriff and deposited in the County Treasury. One Dollar of the amount of each fee collected shall be credited to a special fund or account in the county treasury and shall be used exclusively by the Sheriff for emergency purposes, in such amounts as he may determine necessary. The remaining part of each fee collected shall be credited to the general funds of the county.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:30 P.M.

Act No. 136

H. 562—Pruitt, Manley

AN ACT

To apply only to counties having a population of not less than 16,700 nor more than 18,000 according to the most recent federal census;

allowing the sale of alcoholic beverages in certain locations previously prohibited.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 16,700 nor more than 18,000 according to the most recent federal decennial census, it shall be lawful to sell intoxicating spirituous, vinous, malt or brewed beverages within one mile of the boundary of the campus or grounds of any institution of higher learning or any eleemosynary institution in such county.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became law, July 23, 1971 under Section 125 of the Constitution without the approval of the Governor.

Act No. 137

H. 563—Manley, Pruitt

AN ACT

Relating to Marengo County; to prescribe the qualifications of the county superintendent of education in Marengo County; and to regulate his compensation and expense allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education in Marengo County shall be a person of good moral character, of recognized ability as a school administrator, with academic and professional education equivalent to graduation from a standard university or college, having a master's degree; and he shall have had not less than five years of experience in public school work. He need not be a qualified elector of the county nor of the State of Alabama.

Section 2. The salary of the county superintendent of education in Marengo County shall be fixed by the county board of education at an amount not exceeding \$15,000 a year. Such salary shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education. Each such county superintendent of education shall also be allowed travel expenses not to exceed \$2,400 a year, exclusive of extraordinary expenses. Such allowances for extraordinary expenses shall be made on the basis of each individual request therefor and in such amount as the county board of education, in its

discretion, determines is reasonable under the circumstances and specifically authorizes.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws, general, local or special, in conflict herewith are hereby superseded and repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:32 P.M.

Act No. 138

H. 578—Coshatt

AN ACT

To repeal Act No. 46, H. 74, approved March 4, 1970, entitled, "An Act relating to counties having population of not less than 24,800, nor more than 25,400 according to the most recent federal decennial census; by amending Act #837, H. 1106, Regular Session of the Alabama Legislature 1969, to provide for the number of working days and compensation of the members of the County Board of Equalization in said counties; and providing that this Act shall become effective only if approval at a referendum held in the county affected." (Acts of Alabama, Special Session, 1970, p. 2670).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 46, H. 74, approved March 4, 1970, entitled, "An Act relating to counties having a population of not less than 24,800, nor more than 25,400 according to the most recent federal decennial census; by amending Act #837, H. 1106, Regular Session of the Alabama Legislature 1969, to provide for the number of working days and compensation of the members of the County Board of Equalization in said counties; and providing that this Act shall become effective only if approval at a referendum held in the county affected," (Acts of Alabama, Special Session, 1970, p. 2670) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved July 22, 1971.

Time: 12:34 P.M.

Act No. 139

H. 580—Coshatt

AN ACT

To repeal Act No. 526, S. 553, approved August 22, 1961, entitled, "An Act relating to consolidation of certain schools in counties having populations of not less than 24,800 nor more than 25,400; providing for and requiring referendums on such questions." (Acts of Alabama, 1961, p. 625).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 526, S. 553, approved August 22, 1961, entitled, "An Act relating to consolidation of certain schools in counties having populations of not less than 24,800 nor more than 25,400; providing for and requiring referendums on such questions," (Acts of Alabama, 1961, p. 625) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved July 22, 1971.

Time: 12:36 P.M.

Act No. 140

H. 581—Coshatt

AN ACT

To repeal Act No. 101, H. 296, approved June 27, 1963, entitled "An Act Relating to counties having populations of not less than 24,800 nor more than 25,400; to regulate the compensation of the superintendent of education of such counties" (Acts of Alabama 1963, Volume 1, page 485).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 101, H. 296, approved June 27, 1963, entitled "An Act Relating to counties having populations of not less than 24,800 nor more than 25,400; to regulate the compensation of the superintendent of education of such counties" (Acts of Alabama 1963, Volume 1, page 485), is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:38 P.M.

Act No. 141

H. 582—Coshatt

AN ACT

To repeal Act No. 147, S. 110, approved July 19, 1963, entitled "An Act Relating to counties having populations of not less than 24,800 nor

more than 25,400; to regulate the compensation of the superintendent of education of such counties" (Acts of Alabama 1963, Volume 1, p. 521).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 147, S. 110, approved July 19, 1963, entitled "An Act Relating to counties having populations of not less than 24,800 nor more than 25,400; to regulate the compensation of the superintendent of education of such counties" (Acts of Alabama 1963, Volume 1, p. 521), is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:40 P.M.

Act No. 142

H. 583—Coshatt

AN ACT

To repeal Act No. 142, H. 155, which became effective August 28, 1964, entitled, "An Act relating to counties having populations of not less than 24,800 nor more than 25,400 according to the 1960 or any subsequent federal decennial census; providing further for elections in such counties by authorizing and providing for the use of paper ballots at certain voting places." (Acts of Alabama, 1964, p. 205).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 142, H. 155, which became effective August 28, 1964, entitled, "An Act relating to counties having populations of not less than 24,800 nor more than 25,400 according to the 1960 or any subsequent federal decennial census; providing further for elections in such counties by authorizing and providing for the use of paper ballots at certain voting places," (Acts of Alabama, 1964, p. 205) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved July 22, 1971.

Time: 12:42 P.M.

Act No. 143

H. 728—McDonald, St. John, Drake

AN ACT

Relating to Marshall County; authorizing any city board of education in said county to pledge all or any part of its distributive share of

the proceeds of any countywide ad valorem tax levied for public school purposes toward the payment of the principal of and interest on any bonds heretofore or hereafter issued by any such board.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of any city or incorporated municipality in Marshall County is hereby authorized to pledge all or any part of its distributive share of the proceeds of any countywide ad valorem tax levied in said county for public school purposes toward the payment of the principal of and interest on any bonds heretofore or hereafter issued by any such board.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:45 P.M.

Act No. 144

H. 729—McDonald, St. John, Drake

AN ACT

Relating to Marshall County; providing that no fee shall be charged or collected by any public official for the assessment or collection of ad valorem taxes levied in said county for public school purposes, nor shall any percentage of the proceeds of such tax be retained by any public official or by the county to cover the cost of assessment or collection; providing for the proceeds of all school taxes to be paid to the treasurers of the county and city school systems in Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. No fee shall be charged or collected in Marshall County by any public official for the assessment or collection of ad valorem taxes levied in said county for public school purposes and no percentage of the proceeds of any such tax shall be retained by any public official or by the county to cover the cost of assessment or collection. The proceeds of all ad valorem taxes levied in Marshall County for school purposes shall upon collection be paid over to the treasurers of the county and city school systems to receive said taxes.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:48 P.M.

Act No. 145

H. 767—Casey

AN ACT

To provide further for the payment of an expense allowance to the members of the Tax Equalization Board in counties having populations of not less than 17,000 nor more than 20,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having populations of not less than 17,000 nor more than 20,000, according to the most recent federal decennial census, the members of the Tax Equalization Board shall be entitled to receive \$225.00 per month for the months of July, August and September, 1971, from the county general fund. This amount shall be in addition to any and all other expense allowance or compensation as provided by law.

Section 2. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. This Act shall become ineffective, null and void on October 1, 1971.

Approved July 22, 1971.

Time: 12:50 P.M.

Act No. 146

H. 768—Warren, Mims

AN ACT

To provide an expense allowance to the judge of the Thirty-fifth Judicial Circuit of Alabama payable by the counties composing said circuit and providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other allowances and compensation now provided by law, there shall be paid to the judge of the Thirty-fifth Judicial Circuit of Alabama, in equal monthly installments, an allowance of two thousand dollars (\$2,000.00) per annum, for the purpose of defraying the expenses of such judge in the performance of his official duties. The allowance provided for herein shall be paid from the general funds of the counties composing the circuit on a pro rata basis calculated upon the assessed value of taxable property in the counties of the circuit for the previous fiscal year, as shown by the records of the tax assessors' offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in the county bears to the total assessed value of all property within the counties composing the judicial circuit.

Section 2. This act is cumulative and does not supersede or repeal any other law, general, special or local.

Section 3. This act shall take effect on the first day of the first succeeding month after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 12:52 P.M.

Act No. 147

H.J.R. 73—Owens

HOUSE JOINT RESOLUTION

AUTHORIZING TWO MEMBERS FROM BOTH THE HOUSE AND SENATE COMMITTEES ON INSURANCE TO ATTEND THE NATIONAL NO-FAULT CONFERENCE IN DALLAS, TEXAS.

WHEREAS "no-fault" insurance is one of the major problems pending before this Legislature; and

WHEREAS a "National No-Fault Conference" will be held in Dallas, Texas, on July 22-23, 1971; and

WHEREAS it would be of great benefit to the House and Senate Committees on Insurance for certain of their members to attend said conference and report back with their findings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, The the

Chairman of both the House and the Senate Committees on Insurance may appoint two members from each committee to attend the "National No-Fault Conference" in Dallas, Texas, during the month of July, 1971.

BE IT FURTHER RESOLVED That all reasonable and necessary expenses incurred by said members in attending said conference will be paid out of any funds appropriated to the use of this Legislature.

Approved July 22, 1971.

Time: 11:38 P.M.

Act No. 148 H.J.R. 81—Grainger, Lutz, Hearn, King, Hale

HOUSE JOINT RESOLUTION

RESOLUTION COMMENDING S. R. BUTLER SCHOOL BAND OF HUNTSVILLE.

WHEREAS, the S. R. Butler High School Band of Huntsville has achieved the high distinction of being selected to participate in the International School Band Festival in Vienna, Austria in July, 1972 — one of only sixty of America's most outstanding bands scheduled to participate in the "Austria-Youth Year 1972" and

WHEREAS, S. R. Butler High School Band has recorded numerous achievements during the past five years leading up to selection and participation in this International event. The band received Honor Band Awards at the Memphis Cotton Carnival for four consecutive years; Superior Ratings at the Alabama State Band Contest for the last four years; participation in the Tri-State Marching Festival in Rossville, Georgia for the last three years, including two superior and one excellent rating; a National Award by its Dancing Band for its performance with the Shirley Ross Twirling Ensemble in 1968; was selected to provide halftime entertainment for the New York Jets-Buffalo Bills Exhibition game in 1970; its Concert Band performed at the North Alabama Patriotic Music Festival at Athens College in 1970; seventy one of its bandsmen have placed in All-State Bands in the last four years; was Trophy winner at the Six Flags Over Georgia Concert in Atlanta in 1970, has performed in numerous charitable events, as well as the 1971 Alabama Inaugural Parade and welcomed the Alabama Legislature to the Alabama Space and Rocket Center in 1971.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That

we do salute the S. R. Butler High School Band of Huntsville on its many honors, and in particular its latest selection as one of the sixty bands representing the United States in Austria in 1972 and express our confidence that this outstanding band will continue to represent the state of Alabama in an exemplary manner.

RESOLVED FURTHER, That copies of this resolution be sent to the S. R. Butler High School Band in care of its Band Director, Mr. Fank Kendeigh, and to the Huntsville City Board of Education.

Approved July 22, 1971.

Time: 11:39 P.M.

Act No. 149

H.J.R. 82—Hale, King

HOUSE JOINT RESOLUTION

COMMENDING THE HUNTSVILLE JAYCEES

WHEREAS, The Huntsville Jaycees won seven first place awards and one second place award out of eight project activity areas in the 1971 statewide competition, and

WHEREAS, the Huntsville Jaycees won five of seven overall sweepstakes awards in statewide competition while no club has ever won more than two such awards in any year, and

WHEREAS, the Huntsville Jaycees were recognized as the Number 1 Chapter in the state in 1971, and

WHEREAS, the Huntsville Jaycees were named the Number 2 Chapter in the nation at the 1971 National Convention and were awarded the Clarence H. Howard Memorial Award and several other national awards, and

WHEREAS, the Huntsville Jaycees have won more honors and awards for 1970-71 in Alabama competition and U. S. Jaycee competition than any other chapter in the history of the Alabama Jaycees, and

WHEREAS, the Huntsville Jaycees have now entered Jaycee World competition,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we do hereby commend and congratulate the Huntsville Jaycees for their achievement in the 1970-71 state and national competition and for their contribution to their community evidenced by their outstanding honors, and

BE IT FURTHER RESOLVED, That we do hereby wish them the best in their world competition.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Huntsville Jaycees.

Approved July 22, 1971.

Time: 11:40 A.M.

Act No. 150

H.J.R. 83—McCluskey

HOUSE JOINT RESOLUTION

COMMENDING THE SYLACAUGA FRIENDSHIP CLUB ON THEIR OUTSTANDING CONTRIBUTIONS TO THEIR COMMUNITY.

WHEREAS the Friendship Club of Sylacauga is actively engaged in many worthwhile projects that render a great service to all the citizens of Sylacauga and the surrounding area; and

WHEREAS this club is a club for senior citizens sponsored by the city park and recreation department of Sylacauga which meets each day for various activities; and

WHEREAS the friendship club sponsors many service projects, one of which was the adoption of a little girl at Partlow school 7 years ago, and they still continue to send her clothing which members of the club make and many other gifts; and

WHEREAS the club members conduct 3 programs weekly at local nursing homes and also take their "happy" programs to nursing homes in neighboring towns. They have served over 2000 hours at nursing homes in the past year; and

WHEREAS the club sews for the Red Cross, assists with the Heart and Cancer Fund Drives, conducts activities for children in the local school for the retarded, along with assisting other towns in organizing clubs for senior citizens; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby applauds and thanks this fine group for their outstanding contributions and dedicated service to their community.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this Resolution to the Friendship Club in Sylacauga and a copy be released to the local news media.

Approved July 22, 1971.

Time: 11:41 A.M.

Act No. 151

H.J.R. 85—Headley

HOUSE JOINT RESOLUTION

Mourning the passing of Mr. Charles B. Cox and memorializing him for his devoted, unselfish, untiring service to Chilton County and Alabama.

WHEREAS, Mr. Charles B. Cox was born in 1880 in Chilton County, Alabama; and

WHEREAS, He did marry Mary Young in 1901 and fathered eight children, all living at present; and

WHEREAS, Mr. Charles B. Cox did serve the State of Alabama ably and with distinction during the administration of Governor Bibb Graves and Governor James E. Folsom; and

WHEREAS, Mr. Charles B. Cox did cause Chilton County to be recognized as one of the more progressive counties in the State of Alabama; and

WHEREAS, Mr. Charles B. Cox did use his talents and brilliant mind to better the lot of all Alabamians; and

WHEREAS, Mr. Charles B. Cox was instrumental in beginning the first road building program in Alabama; and

WHEREAS, Mr. Charles B. Cox did depart this earth in 1970;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both House thereof concurring, That we mourn the passing of Mr. Charles B. Cox.

Approved July 22, 1971.

Time: 11:42 A.M.

Act No. 152

H.J.R. 96—Gloor

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT His Excellency, The Honorable George C. Wallace, Governor of the State of Ala-

bama, be and is hereby cordially invited to address a Joint Session of the two Houses of the Legislature in the Hall of the House of Representatives at 7:30 P.M. on July 22, 1971, and to present at that time his budget message for the State of Alabama for the next biennium.

Approved July 22, 1971.

Time: 11:43 A.M.

Act No. 153

S. 287—Wilson

AN ACT

Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the deputy or county solicitor in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, the deputy or county solicitor in such counties shall be entitled to an expense allowance of three hundred fifty dollars (\$350) per month to be paid from the general funds of the county in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1971.

Time: 3:30 P.M.

Act No. 154

S.J.R. 47—Wilder

SENATE JOINT RESOLUTION

NAMING THE ATHLETIC FIELDS AT ALEXANDER CITY STATE JUNIOR COLLEGE IN HONOR OF COLONEL WILLIAM P. DEJARNETTE.

WHEREAS Colonel William P. DeJarnette is and always has been dedicated to the advancement of educational opportunities to young men in all walks of life; and

WHEREAS Colonel DeJarnette is a native Alabamian who served his country in World War II as an army engineer, and has served the State of Alabama Highway Department in many capacities since 1924; and

WHEREAS Colonel DeJarnette has been instrumental in the organization and development of engineering programs at Alexander City State Junior College; and

WHEREAS his life long belief that a strong mind must have a healthy body has caused Colonel DeJarnette to spend much personal time and effort in the development of health and physical educational programs; and

WHEREAS he has been instrumental in the development of the health, education, and athletic fields at the Alexander City State Junior College so that students from all over Alabama who attended this college could have the benefit of well planned physical facilities for health training; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Colonel DeJarnette's service to the young people of Alabama and especially to those living in the area served by Alexander City State Junior College that the health and athletic fields of this institution be named "The William P. DeJarnette Health and Athletic Fields", with an attached slogan, "In honor of this man's dedication to young people, these fields are dedicated to his belief that the inquisitive mind deserves a healthy body."

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to Colonel DeJarnette and the Alexander City State Junior College.

Approved July 27, 1971.

Time: 10:30 A.M.

Act No. 155

S.J.R. 50—Gilmore, Vacca, Bailes, King,
Dominick and Hawkins

SENATE JOINT RESOLUTION

Saluting Honorable Huett Artman Snow, County Engineer of Jefferson County, on his distinguished career and his well-deserved designation as the outstanding "Urban County Engineer of the Year".

WHEREAS, Huett Artman Snow has served in the Engineering Department of Jefferson County, Alabama, continuously

from August, 1933, until the present, with the exception of taking leave to serve in the United States Marine Corps in World War II and the Korean War in the engineering field, retiring with the rank of colonel. He has served in his present position as County Engineer of Jefferson County since January 1, 1962; and

WHEREAS, While serving our great country in two major wars, Mr. Snow received many citations plus numerous medals, including the Marine Commendation and the Bronze Star. His brilliant engineering knowledge in constructing the Marine Air Strip in sub-zero weather, under constant Chinese fire at Chosin Reservoir in northeast Korea, was of inestimable value in removing dead and wounded Marines, plus enough supply items to enable the First Marine Division to fight its way out of the Chinese trap to Pusan, Korea. Undoubtedly many Marines owe their very lives to the work of this heroic engineer; and

WHEREAS, Mr. Snow has very actively promoted the use of the best engineering standards for the design, construction, maintenance and operation of public facilities in his county, and has unselfishly shared his energy and knowledge with others. His promotion of a spirit of cooperation between county, state and federal agencies has been recognized throughout our state and nation; and

WHEREAS, This skillful engineer and great American has rendered such superior service in his profession that he has been selected by the National Association of County Engineers, which has a membership of 1200, as the outstanding "Urban County Engineer of the Year"; and

WHEREAS, This memorable recognition and award will be presented to him at the culmination of the National Association Conference Organization Conference in Milwaukee, Wisconsin, on Wednesday, July 21, 1971;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, On behalf of the people of the State of Alabama, that we salute Mr. Huett Artman Snow for the noteworthy recognition he has brought not only to himself, but to his county and to his state.

BE IT FURTHER RESOLVED That copies of this resolution shall be sent to Mr. Snow and to the National Association of County Engineers.

Approved July 27, 1971.

Time: 10:32 A.M.

Act No. 156

S.J.R. 42—Givhan

SENATE JOINT RESOLUTION

ENDORSING THE PROPOSAL OF SENATOR HARRY F. BYRD TO REQUIRE THE RECONFIRMATION OF FEDERAL JUDGES AT REGULAR INTERVALS

WHEREAS Senator Harry F. Byrd, Jr., of Virginia has introduced in the Congress of the United States a proposal to amend the United States Constitution to require all federal judges to be reconfirmed by the United States Senate every eight years; and

WHEREAS when our founding fathers created our government, they provided separate legislative, executive and judicial branches in order to establish a system of checks and balances and to prevent the domination of governmental affairs by any one single branch; and

WHEREAS, because it was thought that the judicial branch of government would be the weakest of the three branches, provision was made for justices of the Supreme Court of the United States and the judges of its inferior courts to serve for life to provide protection from political pressure and the vacillations of ephemeral public opinion; and

WHEREAS the Constitution of the United States provided for and established a representative republican form of government to insure the rights and privileges of the citizens of the component states; by its letter and spirit, the Constitution provided for each individual state to retain and reserve unto itself all its power and sovereignty except that part delegated, granted, and given to effect the union of the states; and by its express language, the Constitution safeguarded each individual state and its people from unauthorized interference in domestic affairs by a strong central government and from tyranny and suppression wrought by such a strong central government; and

WHEREAS in recent decades the federal courts have taken unto themselves more and more additional powers under the assumption that the law of the land is whatever the court says it is; they have not only usurped the powers reserved to the states and assumed powers of the legislative and executive branches of government in the process of self-annointed omnipotence, but they have mistaken themselves for God; and

WHEREAS under the incessant demands of a powerful combination of subversive and minority interests, the courts have fallen into a slough of fallacious reasoning, and in attempting to extricate themselves have resorted to strangely conceived

social concepts and idealistic pap in which they insist upon wallowing; and

WHEREAS the courts, by their arrogant, wilful and wanton use of judicial fiat and flagrant abuse of injunctive powers, have forced their tragically ridiculous interpretations of the Constitution and of state and federal statutes on the people of a once proud, powerful and self reliant nation to such extent that many property rights have been destroyed; voting rights have been diluted and restricted; the legislative and congressional districts of many states have been arbitrarily reapportioned without regard to similarity of interests, economic condition or consideration of desires of any groups within the states; orderly systems of public education are impossible; riots are frequent occurrences on college and university campuses; transportation is often halted; welfare cases have risen to astronomical heights; crime in the streets is uncontrolled, and fear and chaos are rife throughout the land; and

WHEREAS a return to a sane, strong responsible government which is supported by the vast majority of people who work for a living, pay their debts, educate their children, and, with confidence in themselves and faith in the Lord, contribute something to the communities they live in, can be achieved in large part by making federal judges responsive to the will of these people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body and the people of Alabama heartily endorse Senator Byrd's proposal to require the reconfirmation of federal judges by the Senate of the United States at intervals of eight years.

BE IT FURTHER RESOLVED, That we regard this proposal as an admirable step in the right direction and would recommend that United States Supreme Court Justices be included therein and that the intervals for reconfirmation be reduced to six years.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Senator Harry F. Byrd, Jr., to the President and Vice President of the United States, to the Speaker of the House of the United States Congress, to the Chief Justice and each Associate Justice of the United States Supreme Court and to each member of Alabama's Congressional Delegation.

Approved July 27, 1971.

Time: 10:34 A.M.

Act No. 157

S. 136—McLain

AN ACT

To amend further Act No. 663, S. 132, of the Regular Session 1961 (Acts of Alabama 1961, p. 827), as amended, which provides for and regulates general and special elections in cities and towns of this state having populations of 300,000 or less, except cities and towns which have a commission form of government, so as to provide for minimum compensation to be paid to election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 663, of the Regular Session 1961 (Acts of Alabama 1961, p. 827), as amended, is further amended to read as follows:

"Section 7. The municipal governing body, or a majority of them, must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine. In every city having, according to the last or any subsequent federal decennial census, ten thousand or more inhabitants the municipal governing body shall also appoint from the qualified electors of the city, three inspectors, two clerks and a returning officer, who shall meet on the day of the election at such place and hour as the municipal governing body may designate for the purpose of receiving, counting and returning the absentee ballots cast at such election, and four days before the election the municipal governing body shall ascertain the number of absentee ballots which have been cast at the election and if more than six hundred absentee ballots have been cast then such governing body will appoint three more inspectors and two more clerks for each six hundred absentee ballots or fraction thereof cast at such election.

The chairman of the municipal executive committee of any political party which has made nominations for office or the nominees thereof, may furnish the municipal governing body a list of not less than three names of qualified electors from each voting place, and when special officers are appointed to count the absentee ballots three additional names, and an inspector and a clerk shall be appointed from said lists for each voting place; provided, that where there are more than two lists filed, the appointments shall be made from the lists presented by the two political parties having received the highest number of votes in the preceding regular municipal election, if each of said parties presents a list.

In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body, or a majority of them, in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruction for election officials has been held as prescribed in Section 10 of this Act, a person who has received a certificate from a previous school of instruction shall, if possible, be appointed to fill the vacancy.

The mayor or other chief executive officer of the municipality shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publishing such a list in a newspaper published in the city or town at least ten days prior to the election.

The mayor or other chief executive officer of the municipality shall notify the inspectors, clerks and returning officers of their appointment.

The returning officer, the inspectors and the clerks at polling places where voting is solely by paper ballots shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars (\$8.00) per day, and each election officer at a polling place where elections are conducted, in whole or in part, by voting machines shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars (\$8.00) per day. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 27, 1971.

Time: 10:36 A.M.

Act No. 158

S. 137—McLain

AN ACT

To amend further Act No. 664, S. 133 of the Regular Session 1961 (Acts of Alabama, Regular Session 1961, p. 868), which provides for

and regulates elections in cities and towns of 300,000 population or less, which have a commission form of government, so as to provide for minimum compensation to be paid to election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 664, S. 133, of the Regular Session of 1961 (Acts of Alabama, Regular Session 1961, p. 868), is hereby amended to read as follows:

"Section 8. The board of commissioners must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine. In every city having, according to the last or any subsequent federal decennial census, ten thousand or more inhabitants the board of commissioners shall also appoint, from the qualified electors of the city, three inspectors, two clerks and a returning officer, who shall meet on the day of the election at such place and hour as the board of commissioners may designate for the purpose of receiving, counting and returning the absentee ballots cast at such election; and four days before the election the municipal governing body shall ascertain the number of absentee ballots which have been cast at the election and if more than six hundred absentee ballots have been cast the board of commissioners may appoint three more inspectors and two more clerks for each six hundred absentee ballots or fraction thereof cast at such election.

The chairman of the municipal executive committee of any political party which has made nominations for office or the nominees thereof, may furnish the board of commissioners a list of not less than three names of qualified electors from each voting place and an inspector and a clerk shall be appointed from said list for each voting place; provided, that where there are more than two lists filed, the appointments shall be made from the lists presented by the two political parties having received the highest number of votes in the preceding regular municipal election, if each of said parties presents a list.

In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruc-

tion for election officials has been held as prescribed in Section 11 of this Act, a person who has received a certificate from a previous school of instruction shall if possible, be appointed to fill the vacancy.

The mayor or other chief executive officer of the municipality shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publishing such a list in a newspaper published in the city or town at least ten days prior to the election.

The mayor or other chief executive officer of the municipality shall notify the inspectors, clerks and returning officers of their appointment.

The returning officer, the inspectors and the clerks at polling places where voting is solely by paper ballots shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars (\$8.00) per day, and each election officer at a polling place where elections are conducted, in whole or in part, by voting machines shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars (\$8.00) per day. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 27, 1971.

Time: 10:38 A.M.

Act No. 159

S. 140—McLain

AN ACT

To amend further Act No. 663, S. 132, of the Regular Session of 1961 (Acts of Alabama 1961, p. 827), as amended, which provides for and regulates general and special elections in cities and towns of this state having populations of 300,000 or less, except cities and towns which have a commission form of government, so as to authorize the holding of special elections on the second or fourth Tuesday of any month.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 663, S. 132, of the Regular Session of 1961 (Acts of Alabama 1961, p. 827), as amended, is further amended to read as follows:

"Section 2. (a) The regular municipal elections in cities and towns shall be held on the second Tuesday in August 1964, and quadrennially thereafter; and when necessary as provided in Section 35 of this Act a second or "run-off" election shall be held on the first Tuesday, after the second Monday in September. Municipal officers elected at regular elections shall assume the duties of their respective offices on the first Monday in October following their election unless herein otherwise provided.

"(b) Special elections shall be held on the second or fourth Tuesday of any month when ordered by the municipal governing body, provided that notice of such election was published in the manner prescribed in Section 3 of Act No. 663, S. 132, of the Regular Session of 1961 (Acts of Alabama 1961, p. 827), on or before the corresponding Tuesday of the second month preceding the month in which the special election is held."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 27, 1971.

Time: 10:40 A.M.

Act No. 160

S. 141—McLain

AN ACT

To amend further Act No. 664, S. 133, of the Regular Session of 1961 (Acts of Alabama 1961, p. 868), as amended, which provides for and regulates elections in cities and towns of 300,000 population or less which have a commission form of government so as to authorize the holding of special elections on the second or fourth Tuesdays of any month.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 664, S. 133, of the Regular Session of 1961 (Acts of Alabama 1961, p. 868), as amended, is further amended to read as follows:

"Section 3. (a) The regular municipal elections in such cities and towns shall be held on the third Tuesday in August of each year in which the term of office of a commissioner shall expire; and when necessary as provided in Section 36 of this Act a second or run-off election shall be held on the first Tues-

day in September thereafter. Commissioners elected at regular elections shall assume the duties of their offices on the first Monday in October following their election unless herein otherwise provided.

“(b) Special election shall be held on the second or fourth Tuesday of any month when ordered by the municipal governing body, provided that notice of any such election was published in the manner prescribed in Section 4 of Act No. 664, p. 868, Volume 1, Acts of Alabama 1961, on or before the corresponding Tuesday of the second month preceding the month in which the election is held.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 27, 1971.

Time: 10:42 A.M.

Act No. 161

S. 142—McLain

AN ACT

To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Every election heretofore held in any municipality or in any county for the purpose of voting upon and deciding the question of whether bonds of such municipality or county, as the case may be, shall be issued, at which election a majority of the votes cast were in favor of the issuance of the bonds but which election was irregular by reason of failure prior to the holding of the election to give notice thereof in a newspaper or by posting in the manner or for the time required by any statute applicable to the election, or because of the failure to comply with any other statutory requirement applicable to the election, or because of any other irregularity with respect to the holding of the election or canvassing or recording the results thereof, shall be and every such election is hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such election had been duly and legally complied with; and bonds may be issued pursuant to the authorization purported to have been granted at such election, and any bonds heretofore or hereafter issued pursuant to such purported authorization shall be valid; provided, that this Act shall not apply to any election which, prior to the enactment of this Act,

has been held invalid by the Supreme Court of Alabama, or by final decree of the Circuit Court or other court of like jurisdiction in the county in which the election was held and from which decree an appeal was not taken to the Supreme Court of Alabama within the time provided by law for the taking of such appeals, or to any election the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1971.

Time: 10:44 A.M.

Act No. 162

S. 143—McLain

AN ACT

To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases theretofore where there has been an attempt to organize the inhabitants of any territory as a municipal corporation under the provisions of Article 1 of Chapter 2 of Title 37 of the Code of Alabama 1940, as amended, and the Judge of Probate of the county in which such territory is situated has made an order that the inhabitants of such territory are incorporated as a town or city, as the case may be, pursuant to Section 13 of Title 37 of said code, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of any municipality so attempted to be organized, and with respect to which such order has been made, shall be and is hereby validated ab initio in accordance with the description of the territory attempted to be incorporated as the said description is contained in such order, or, if the description of the territory attempted to be incorporated is not contained in such order, in accordance with the description of said territory contained in the petition of the electors filed with said Judge of Probate, notwithstanding any failure to comply with the requirements respecting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting, or any other failure to comply with the procedures set forth in the said article or otherwise required by law; provided, that this Act shall not apply to the incorpora-

tion of any municipality held to be invalid by a court of competent jurisdiction by judgment entered prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1971.

Time: 10:46 A.M.

Act No. 163

S. 144—McLain

AN ACT

To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. Every election heretofore held in any municipality or in any county on the question of the levy of a special tax for any purpose under the Constitution of Alabama, including any amendment thereto, at which election a majority of the votes cast were in favor of the levy of the said tax but which election was irregular by reason of failure prior to the holding of the election to give notice thereof in a newspaper or by posting in the manner or for the time required by any statute applicable to the election, or because of the failure to comply with any other statutory requirement applicable to the election, or because of any other irregularity with respect to the holding of the election or canvassing and recording the results thereof, shall be and every such election is hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such election had been duly and legally complied with, and the said tax may be levied and collected pursuant to the authorization purported to have been granted at such election; provided, that this Act shall not apply to any election which, prior to the enactment of this Act, has been held invalid by the Supreme Court of Alabama or by final decree of the Circuit Court or other court of like jurisdiction in the county in which the election was held and from which decree an appeal was not taken to the Supreme Court of Alabama within the time provided by law for the taking of such appeals, or to any election the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1971.

Time: 10:48 A.M.

Act No. 164

S. 361—Lindsey

AN ACT

Relating to counties having not less than 16,350 nor more than 16,650 populations, providing for the payment of additional expense allowances of members of the county commissions or like governing body of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties having not less than 16,350 nor more than 16,650 populations according to the last or any subsequent federal decennial census.

Section 2. The members of the county commissions or like governing body of such counties shall each be entitled to receive from the county treasury the sum of \$450.00 per month for expenses incurred in the performance of official duties, which allowances shall be in addition to all other compensation and allowances now provided by law. The chairman or president of the county commissions or governing body of such counties shall be entitled to receive from the county treasury the sum of \$500.00 per month for expenses incurred in the performances of his official duties, which allowances shall be in addition to all other compensation and allowances now provided by law. Such allowances shall be paid at the end of each month on warrants approved by the county commissions or like governing body of the county on any funds in the county treasury not otherwise appropriated.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall take effect on the first day of the month next following the date of its enactment.

Approved July 27, 1971.

Time: 10:50 A.M.

Act No. 165

S. 378—Givhan

AN ACT

To provide that the Sheriff of counties having a population of not less than 54,500 nor more than 56,000 according to the 1970 Federal

Census, may collect and retain the fees and allowances allowed under law for feeding prisoners.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding the Sheriff of counties having a population of not less than 54,500 nor more than 56,000 according to the 1970 Federal Census, shall be authorized to collect and retain for his own use, as a service allowance, the fees allowed under the general law for feeding prisoners confined in the County Jail of any such county.

Section 2. All laws or parts of laws in conflict with the provisions hereof be, and the same hereby are, expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 27, 1971.

Time: 10:52 A.M.

Act No. 166

H. 518—Stubbs, Therrell, Waldrop, Carnes, Wynot, Grey (D), Reid (R), Reynolds, Goodwin, Hill, Flippo, Carter, Warren, Coshatt, Robertson, Bowers, Owens, Headley, Hobbie, Cherner, Drake, Naramore, Bank, Crowe

AN ACT

To amend Sections 182, 184, 185, 186, 189, 191, 200, 201, 202, Subsections A, B and G of Section 204, Sections 224 and 225, Title 26, Chapter 4, Code of Alabama 1940, as last amended, relating to unemployment compensation contributions, payments in lieu of contributions, coverage, tax base and tax rates.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 182, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

“§ 182. Contributions and payments in lieu of contributions. - A. “Contributions,” as used in this chapter means the money payments to the state unemployment compensation fund required by this chapter on the basis of a percentage of wages.

B. “Payments in lieu of contributions,” as used in this chapter means the money payments to the state unemployment compensation fund required by this chapter from employers who

reimburse the fund for the amount of regular benefits and one-half of the extended benefits paid that is attributable to service in the employ of such employers."

Section 2. Section 184, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 184. Employee. - Except as modified by the provisions of section 186 of this chapter defining "employment," "employee" as used in this chapter means any individual employed by an employer subject to this chapter in which employment with relationship of master and servant exists between the employee and the person employing him."

Section 3. Section 185, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 185. Employer. - "Employer," as used in this chapter prior to January 1, 1972, shall mean any employing unit which was so defined by this section prior to such date. After December 31, 1971, "employer," as used in this chapter means:

A. Any employing unit which, after December 31, 1971,

(1) in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of \$1,500 or more, or

(2) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day).

B. Any employing unit which, having become an employer under this chapter, has not under sections 224 and 225 of this title ceased to be an employer subject to this chapter.

C. For the effective period of its election pursuant to section 225 hereof any other employing unit which has elected to become fully subject to this chapter.

D. Any employing unit (whether or not an employing unit at the time of acquisition) which (1) acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit which at the time of such acquisition was an employer subject to this chapter; or (2) acquired a segregable part of the organization, trade, or business of another employing unit which at the time of such acquisition was an employer subject to this chapter; provided that such segregable part would have been an employer subject to this chapter if such part had constituted its entire organization, trade or business.

E. Any employing unit which acquires the organization, trade or business, or substantially all of the assets thereof of another employing unit (not an employer subject to this chapter) and which, if the employment record of such employing unit subsequent to such acquisition together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit an employer subject to this chapter.

F. Any employing unit not an employer by reason of any other paragraph of this section (1) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is held liable by the federal government for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or (2) which, as a condition for approval of this Act for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Federal Unemployment Tax Act, to be an "employer" under this Act.

G. Any employing unit for which service in employment as defined in section 186 B is performed after December 31, 1971.

H. Any employing unit for which service in employment as defined in section 186 C is performed after December 31, 1971.

I. For purposes of this section, if any week includes both December 31 and January 1, the days of that week up to January 1 shall be deemed one calendar week and the days beginning January 1 another such week."

Section 4. Section 186, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 186. Employment. - Subject to other provisions of this chapter "employment" means:

A. Any service performed prior to January 1, 1972, which was employment as defined in this section prior to such date and subject to the other provisions of this section, services performed for remuneration after December 31, 1971, including service in interstate commerce, by —

(1) Any officer of a corporation; or

(2) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

(3) Any individual other than an individual who is an employee under paragraph (1) or (2) who performs services for remuneration for any person —

(a) As an agent-driver or commission-driver engaged in distributing meat products, bakery products, beverages (other than milk), or laundry or dry cleaning services for his principal;

(b) As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

Provided, that for purposes of paragraph A (3) the term "employment" shall include services described in (a) and (b) above performed after December 31, 1971, only if:

(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are rendered.

B. Service performed after December 31, 1971, by an individual in the employ of this State or any of its instrumentalities or political subdivisions or their instrumentalities (or in the employ of any of the foregoing and one or more other states or their instrumentalities or political subdivisions) for a hospital or institution of higher education located in this State provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c) (7) of that Act and is not excluded from "employment" under subsection D of this section and provided further that such service in the employ of a political subdivision or any of its instrumentalities shall be deemed to be "employment" within the meaning of this chapter only if said political subdivision or its instrumentalities has elected to become an employer subject to this chapter pursuant to section 225 of this title for all such service in the employ of the political subdivision and its instrumentalities and has not ceased to be an employer subject hereto pursuant to section 224 or section 225 of this title.

C. Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational

or other organization but only if the following conditions are met:

(1) The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c) (8) of that Act, and is not excluded from "employment" under subsection D of this section; and

(2) The organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(D) For the purposes of subsections B and C the term "employment" does not apply to services performed —

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization that is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a school which is not an institution of higher education; or

(4) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(6) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

(E) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands) after December 31, 1971, in the employ of an American

employer (other than service which is deemed "employment" under the provisions of subsections H or I of this section or the parallel provisions of another state's law), if:

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States, but

(a) The employer is an individual who is a resident of this state; or

(b) The employer is a corporation which is organized under the laws of this state; or

(c) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(3) None of the criteria of paragraphs (1) and (2) of this subsection is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(4) An "American employer," for purpose of this subsection, means a person who is

(a) An individual who is a resident of the United States; or

(b) A partnership if two-thirds or more of the partners are residents of the United States; or

(c) A trust, if all of the trustees are residents of the United States; or

(d) A corporation organized under the laws of the United States or of any state.

(5) For the purposes of this subsection the term "United States" includes the States, the District of Columbia and the Commonwealth of Puerto Rico.

F. Notwithstanding subsection H, all service performed by an officer or a member of the crew of an American vessel on or in connection with such vessel, if the operating office, from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this State.

G. Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any Federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this act.

H. Subject to the other provisions of this section, the term "employment" shall include an employee's entire service, performed within or both within and without this state if—

(1) The service is localized in this state, or

(2) The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state; or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the employee's residence is in this state.

(3) Service shall be deemed to be localized within a state if the service is performed entirely within such state; or the service is performed both within and without such state, but the service performed without such state is incidental to the employee's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

(4) The service shall be deemed to be localized in this state wherever such service is performed within the United States, the Virgin Islands or Canada if such service is not covered under the unemployment compensation law of any other state, the Virgin Islands or Canada and the place from which such service is directed or controlled is in this state.

I. Services not covered under paragraph H of this section and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal government, shall be deemed to be employment subject to this chapter if the employee performing such service is a resident of this state and the director approves the election of the employing unit for whom such services are performed that the entire service of such employee shall be deemed to be "employment" subject to this chapter.

J. The term "employment" includes a person's entire services if such service is deemed performed in this state by virtue of reciprocal agreements pursuant to the provisions of section 237 of this chapter and does not include any service which by virtue of such agreement is deemed performed in another state.

K. The term "employment" shall not include—

(1) Service performed by an individual in agricultural labor. For purposes of this subsection, the term "agricultural labor" means any service performed prior to January 1, 1972, which was agricultural labor as defined in this section prior to such date, and remunerated service performed after December 31, 1971, if such service was performed—

(a) On a farm, in the employ of any employing unit, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife.

(b) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(c) In connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1141 j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(d) In the employ of the operator of a farm, a group of operators of farms (or a cooperative organization of which such operators are members) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodities; but only if such operator or group of operators (or a cooperative organization of which such operators are members) produced more than one-half of the commodity with respect to which such service is performed. Provided however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(e) On a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used in this section, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(2) Domestic services in a private home, local college club, or local chapter of a college fraternity or sorority.

(3) Casual labor not in the usual course of the employer's trade or business performed after December 31, 1971, in any calendar quarter by an individual, unless the cash remuneration paid for such service is \$50 or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if (a) on each of some twenty-four days during such quarter such individual performs such service for some portion of the day, or (b) such individual was regularly employed (as determined under clause (a)) by such employing unit in the performance of such service during the preceding calendar quarter.

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 21 in the employ of his father or mother.

(5) Except to the extent set forth in subsection B of this section service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state of its political subdivisions.

(6) Except as provided in subsection B, service performed in the employ of any other state or any political subdivisions thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions; and any service performed in the employ of any instrumentality of any one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune, under the Constitution of the United States from the tax imposed by Section 3301 of the Federal Internal Revenue Code.

(7) Service performed in the employ of the United States government or of an instrumentality wholly owned by the United States; except that if the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under this chapter, then to the extent permitted by Congress and from and after the date as of which such permission becomes effective,

all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units, provided, however, if this state should not be certified by the Secretary of Labor under Section 3304 (c) of the Federal Internal Revenue Code for any year, then the payment required of such instrumentality with respect to such year shall be deemed to have been erroneously collected within the meaning of Article 3 of this chapter and shall be refunded by the Director from the fund in accordance with the provisions of section 243 of this chapter.

(8) Except to the extent set forth in subsection C of this section service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

(9) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act of Congress (52 Stat. 1094, as amended) and services with respect to which unemployment compensation is payable under any other unemployment compensation system established by an act of Congress; provided that the Director is hereby authorized and directed to enter into agreements with the proper agencies under such act or acts of Congress, which agreements shall become effective ten days after publication thereof in the manner provided in section 228 of this chapter for general rules to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter acquired rights to unemployment compensation under such act or acts of Congress, or who have, after acquiring potential rights to unemployment compensation under such act or acts of Congress, acquired rights to benefits under this chapter.

(10) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(11) Service performed, in the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college or university, or (b) by the spouse of such a student,

if such spouse is advised at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university, and (ii) such employment will not be covered by any program of unemployment insurance.

(12) Service performed by an individual under the age of 22 who is enrolled at a non-profit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(13) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital as defined in subsection M, or service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state laws; and service performed as an interne in the employ of a hospital by an individual who has completed a four-year's course in a medical school chartered or approved pursuant to state law.

(14) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(15) Except as provided in subsections B and C, any employment or service which is excluded by the express statutory provisions of Section 3306 of the Federal Internal Revenue Code as amended.

(16) Service performed by an officer or member of the crew of a vessel which is not an American vessel. The term "American vessel" means any vessel documented or numbered under the law of the United States; and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged

in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (a) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (b) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

(18) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative).

(19) Service performed in the employ of an instrumentality wholly owned by a foreign government if (a) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (b) the director finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

(20) Except to the extent set forth in subsection C of this section service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the Federal Internal Revenue Code (other than organizations described in Section 401 (a)) or under Section 521 of such Code, if the remuneration for such service is less than fifty (\$50) dollars.

L. "Institution of higher education," for the purposes of this section, means an educational institution which —

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other non-profit institution.

M. "Hospital" means an institution which has been licensed, certified or approved by the State Board of Health or the State Board of Mental Health as a hospital or a similar institution operated by the state or any of its political subdivisions or by any instrumentality of either of the foregoing.

N. Included and excluded service. If the services performed during one-half or more of any pay period by an employee for the employing unit employing him constitute employment, all of the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the employing unit employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment or remuneration is ordinarily made to the employee by the employing unit employing him."

Section 5. Section 189, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 189. Fund. - "Fund," as used in this chapter, means the unemployment compensation fund established by this chapter, to which all contributions and payments in lieu of contributions and from which all benefits required under this chapter shall be paid. All interest earned on the fund shall be credited to said fund."

Section 6. Section 191, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 191. Wages. - Prior to January 1, 1972, "wages," as used in this chapter, shall mean such remuneration as is defined in this section as amended September 15, 1961.

On and after January 1, 1972, "wages," as used in this chapter, shall mean every form of remuneration paid or received for personal services, including the cash value of any remuneration paid in any medium other than cash. The reasonable cash value of remuneration paid in any medium other than cash shall be determined in accordance with rules prescribed by the director; provided, however, the term "wages" shall not include —

A. That part of remuneration, which after remuneration equal to four thousand two hundred dollars (or such greater amount as may be or become subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund)

has been paid in a calendar year to an individual by an employer or his predecessor employer or by a combination of both the employer and his predecessor employer with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year except with respect to sections 204 B (1), (2) and (4), 204 C, 206, 207, 208 and 209, of this title. For the purpose of this subsection, the term employment shall include service constituting employment under any unemployment compensation law of another state or of this state.

B. The amount of any payments (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) made to, or on behalf of an employee or any of his dependents under a plan or system established by an employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of (1) retirement, or (2) sickness or accident disability, or (3) medical or hospitalization expenses in connection with sickness or accident disability, or (4) death.

C. Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) on account of retirement.

D. Any payment made to, or on behalf of any employee or his beneficiary (1) from or to a trust which meets the requirements of Section 401 of the Federal Internal Revenue Code and which is exempt from tax under Section 501 (a) of the Federal Revenue Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment, meets the requirements of Section 401 (a) (3), (4), (5) and (6) of the Federal Internal Revenue Code.

E. The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under Article 3 of this chapter, or of the tax imposed upon an employee by Section 3101 of the Federal Internal Revenue Code, as amended.

F. Remuneration paid in any medium other than cash to an employee for services not in the course of the employer's trade or business.

G. Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of

sixty-five, if he did not work for the employer in the period for which such payment is made.

H. Dismissal payments which the employer is not legally required to make."

Section 7. Section 200, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 200. Payment. - Contributions or payments in lieu of contributions shall accrue and become payable by each employer subject to this chapter. Contributions or payments in lieu of contributions shall accrue and become payable by any new employer on and after the date on which he becomes newly subject to this chapter. The contributions or payments in lieu of contributions required hereunder shall be paid by each employer in such manner and at such times as the director may prescribe."

Section 8. Section 201, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 201. Rates of contributions. - Except as hereinafter provided and subject to the provisions of section 204 of this chapter every employer shall pay contributions (or payments in lieu of contributions) equal to the percentages of wages payable or paid as hereinafter set out, with respect to employment by him.

A. With respect to employment during calendar years prior to January 1, 1972, the rate shall be 2.70 percent of such wages payable.

B. With respect to employment after December 31, 1971, except as hereinafter provided, every employer who has not been liable to the provisions of this chapter for a sufficient length of time to have his rate determined under the experience rating provisions of section 204 of this chapter shall pay contributions at the rate of 1.50 percent of such wages paid by him with respect to employment during each month.

C. With respect to employment after December 31, 1971, any non-profit organization which, pursuant to the provisions of subsection H of section 185 of this chapter, is or becomes subject to this chapter after December 31, 1971, shall pay contributions under the provisions of subsection B of this section and section 204 of this chapter, unless it elects in accordance with paragraph (1) of this subsection to pay to the director for the fund an amount equal to the amount of regular benefits and one-half of the extended benefits paid, that is attributable to service in the employ of such employer, to individuals for weeks of unemployment which begin during the effective period of such election.

(1) Any non-profit organization which becomes subject to this chapter on January 1, 1972, by virtue of its employment during calendar year 1971 may elect to become liable for payments in lieu of contributions for a period of not less than nine consecutive calendar quarters beginning with January 1, 1972, provided it files with the director a written notice of its election within the 30-day period immediately following such date. Any non-profit organization which becomes subject to this chapter by virtue of its employment subsequent to calendar year 1971 may elect to become liable for payments in lieu of contributions for a period of not less than seven consecutive calendar quarters by filing a written notice of its election with the director not later than 30 days immediately following the date on which the conditions rendering such organization subject were fulfilled.

(2) Any non-profit organization which makes an election in accordance with paragraph (1) of this subsection will continue to be liable for payments in lieu of contributions until it files with the director a written notice terminating its election. Any such termination shall be effective at the end of the first calendar quarter of a calendar year. Said notice shall be filed not later than the first day of March preceding the effective date of such termination.

(3) Any non-profit organization which has been paying contributions under this chapter for a period of at least one calendar year subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than the first day of December preceding the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization during that and the next calendar year and may be terminated only at the end of the first calendar quarter in a calendar year.

(4) The director may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1971.

(5) The director shall notify each non-profit organization of any determination which he makes of its status as an employer and of the effective date of any election which it makes and of any termination of such election and of benefits paid in accordance with such regulations as he may prescribe. Such notice and determination shall be subject to the provisions for review and finality as set out in section 204-C (4) of this chapter.

(6) Any non-profit organization which elects to make payments in lieu of contributions shall pay to the director for the fund such amounts and in such manner and at such time as is set out in subsection F of this section.

D. With respect to employment after December 31, 1971, any hospital or institution of higher education operated by this State or any of its instrumentalities which, pursuant to the provisions of subsection G of section 185 of this chapter, is or becomes subject to this chapter after December 31, 1971, shall pay to the director for the fund an amount equal to the amount of regular benefits and one-half of the extended benefits paid, that is attributable to service in the employ of such employer to individuals for weeks of unemployment which begin after December 31, 1971, at the rate and in such manner and at such time as is set out in subsection F of this section. For the purpose of this section, the governing body of any State institution may, with the approval of the director, determine the number of individual accounts for the institutions under its authority.

E. With respect to employment after December 31, 1971, any political subdivision of this State (or any two or more political subdivisions) which elects, under the provisions of section 225 of this chapter, to become subject to this chapter, shall pay to the director for the fund an amount equal to the amount of regular benefits and one-half of the extended benefits paid, that is attributable to service in the employ of such employer, to individuals for weeks of unemployment which begin after December 31, 1971, at the rate and in such manner and at such time as is set out in subsection F of this section.

F. Reimbursement payments. - Payments in lieu of contributions shall be made in accordance with provisions of paragraphs (1) and (2) of this subsection.

(1) Each non-profit organization or group of such organizations which has elected to make payments in lieu of contributions shall at the end of each calendar quarter, or at the end of any other period as the director shall prescribe, pay to the director an amount equal to the full amount of regular benefits plus one-half of the extended benefits paid during such quarter or other prescribed period that is attributable to services in the employ of such organization. Such payments shall be made within 20 calendar days after notice of the amount due is mailed by the director.

(2) Each hospital or institution of higher education operated by this State or any instrumentality thereof, and each political subdivision (or two or more political subdivisions) which has elected coverage under the provisions of section 225

of this chapter shall make such payments to the director in an amount representing one of the following:

(a) For the calendar quarter beginning July 1, 1972, and each succeeding calendar quarter thereafter through and including the quarter ending September 30, 1973, such amount as such employer may estimate to be the amount of regular benefits and one-half of the extended benefits to be paid during such quarter and attributable to such employer but the amount shall not be less than twenty-five hundredths (0.25) percent of its average quarterly payroll (without regard to the limitations specified in section 191 of this chapter) paid to all employees covered by this chapter in its employ during the calendar year 1971, said payments to be made not later than the tenth day of the first month of each quarter.

(b) For each calendar quarter during fiscal years beginning on and after October 1, 1973, such percentage of its average quarterly covered payroll for the four-quarter period ending on the immediately preceding June 30 as the director shall determine. Such determination shall be based each year on the average quarterly benefit cost during the four calendar quarter period ending on the immediately preceding June 30, which is attributable to service in the employ of such organizations.

(c) For any organization which did not pay wages throughout the periods specified in subparagraphs (a) and (b) respectively, of this paragraph, the average quarterly covered payroll shall be as determined by the director based on that portion of such periods during which wages were paid.

(3) At the end of each one year period for which a rate for payments in lieu of contributions has been set, the director may modify the quarterly percentage of payroll thereafter payable by the organization in order to minimize excess or insufficient payments.

(4) At the end of each one year period for which a rate for payments in lieu of contributions has been set, the director shall determine whether the total of payments for such year made by any employer is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during such year based on wages attributable to service in the employ of such employer. Each such employer whose total payments for such year are less than the amount so determined shall be liable for payments of the unpaid balance to the fund in accordance with this subsection. If the total payments exceed the amount so determined for the specified one-year period, all or a part of the excess may, at the discretion of the director, be refunded from the fund or retained in the fund as part of the payments which may be

required for the next such year. Any payments due to be made under this paragraph shall be made not later than 10 days after the date on which the director shall mail to the employer notice of the amount.

(5) Payments made by any organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of such organizations.

(6) Payments in lieu of contributions shall unless otherwise prohibited by law, be subject to the same penalties, collection and enforcement proceedings and provisions for hearing and review, extensions, refunds and protections that pursuant to sections 238, 239, 240, 241, 242, 243, 244 and 251 of this chapter apply to contributions.

(7) Surety. - Any non-profit organization which elects to become liable for payments in lieu of contributions shall, in addition to making such payments, be required within 30 days after the date the director mails notice of his approval of its election, to execute and file with the director a surety bond, or a cash deposit in lieu thereof, as approved by the director. For the purpose of this paragraph, a surety bond is a bond of surety issued by an organization licensed and authorized to issue such bond in this State. The amount of the surety bond or cash deposit required by this paragraph shall be an amount as determined by the director but not more than three (3.0) percent of the organization's wages as defined in Section 191 of this Chapter paid for employment as defined in this Chapter for the four calendar quarters immediately preceding the effective date of the election or the renewal date in case of a bond or the biennial anniversary in the case of a cash deposit, whichever date shall be most recent and applicable. For any such organization which did not pay wages throughout each of four such calendar quarters the amount of the bond or deposit shall be as determined by the director.

(a) Surety bond. - Any surety bond deposited under this subsection shall be in force for a period of not less than two full calendar years and shall be renewed not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within 30 days of the date notice of such adjustment was mailed or otherwise delivered to it. Failure of any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties

as provided by this chapter shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

(b) Deposit of money. - Any deposit of money in accordance with this paragraph shall be retained by the director in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The director may deduct from the money deposited under this subsection by any organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalty. The director shall require the organization within thirty days following any deduction from a money deposit under the provisions of this subsection to deposit sufficient additional monies to make whole the organization's deposit at the prior level. The director may, at any time, review the adequacy of the deposit made by any organization. If as a result of such review, he determines that an adjustment is necessary, he shall require the organization to make an additional deposit within thirty days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary whichever action is appropriate.

(c) If any organization subject to this section fails to file a surety bond or make a cash deposit or to file a surety bond in an increased amount or to increase or make whole the amount of a previously made cash deposit, or fails to pay before the delinquency date any payments due together with any accumulated interest and penalty as provided by this chapter, the director may terminate such organization's election to make payments in lieu of contributions effective as of the end of any calendar quarter and such termination shall continue for not less than two consecutive calendar years; provided, that the director may extend for good cause the posting of a cash deposit, the filing of a surety bond or the extension of an adjustment period by not more than thirty days.

(8) Allocation of benefit costs. — If benefits paid to an individual are based on wages paid by two or more employers, the amount of benefits payable by an organization required to or electing to make payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid by such employer to the individual and used for the payment of benefits bears to the total base period wages paid to the individual by all his base period employers and used for payments of benefits.

(9) Group accounts. - Two or more employers that have elected to make payments in lieu of contributions in accordance

with the provisions of this subsection may file a joint application to the director for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such organizations. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon his approval of the application, the director shall establish a group account for such employers effective as of the beginning of the calendar quarter next following the quarter in which he received such application, and shall notify the group's representative of the effective date of the account. Such group account shall remain in effect for not less than eight calendar quarters and thereafter until terminated at the discretion of the director or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for services in employment by such member in such quarter bears to the total wages paid during such quarter for service performed in the employ of all members of the group. The director shall prescribe such regulations as he deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subsection, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subsection by members of a group and the time and manner of such payments.

(10) Notwithstanding any other provisions of this chapter, any employer that was liable for payments in lieu of contributions for the period immediately preceding the effective date of termination of its coverage pursuant to section 224 of this chapter shall nevertheless continue to be liable to pay to the director for the fund the amount of regular benefits and one-half of the extended benefits paid, that is attributable to service in the employ of such employer prior to the effective date of such termination, to individuals for weeks of unemployment which begin on or after such effective date. Such payments to the director shall be made at such times and in such manner as the director shall prescribe and the director may continue to require payments in lieu of contributions and surety in such amounts and for such period as he may deem necessary to insure restoration to the fund of the amount of such regular and extended benefits."

Section 9. Section 202, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

“§ 202. Contributions by employees. - Prior to January 1, 1972, contributions by employees shall be as prescribed by this section as amended through July 1969.

A. On and after January 1, 1972, and for each calendar year thereafter, when the Unemployment Trust Fund is greater than the minimum normal amount for the fiscal year beginning on the first day of October next preceding as computed under the provisions of subsection 204 G of this chapter, no contribution shall be made by any employee.

B. On and after January 1, 1972, and for each calendar year thereafter when the Unemployment Trust Fund is less than the minimum normal amount for the fiscal year beginning on the first day of October next preceding as computed under the provisions of section 204 G of this chapter each employee employed by an employer subject to this chapter shall contribute to the fund 0.5 percent (one-half of one percent) of the wages for employment paid to him after the date as of which the conditions determining that his employer is subject to this chapter have been fulfilled except:

(1) No employee shall be required to pay contributions on that part of his wages which are not included in the definition of ‘wages’ as prescribed in section 191 of this chapter. If by reason of an employee rendering service for more than one employer during any calendar year, the wages of the employee with respect to employment during such year exceed the amount set out in section 191 of this chapter, the employee shall be entitled to a refund of any amount of contribution with respect to such wages imposed by this chapter, deducted from such wages and paid to the fund, which exceeds the contribution with respect to the amount of wages set out in this paragraph.

(2) No employee shall be required to pay contributions on any wages paid to him for employment as defined in subsection 186 B and C of this chapter if such wages could become the basis for payment of benefits for which his employer would be required or has elected to reimburse the Fund by means of payments in lieu of contributions pursuant to subsections C, D and E of section 201 of this chapter.”

Section 10. Subsection A of Section 204, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

“§ 204. Experience Rating, rates and contributions.

A. (1) For the twelve-month period beginning on the 1st day of April of each year, any employer whose employment record has been chargeable with benefit wages throughout at

least the calendar year immediately preceding such 1st day of April shall have his rate determined by the unemployment compensation fund's maximum liability for benefits to his employees who have been paid benefits, modified by the State experience as of the most recent December 31 as to average duration of benefit payments as provided herein. The employment record of a non-profit organization which has been making payments in lieu of contributions but which elects to change to payment of contributions shall be deemed to have been chargeable with benefit wages throughout the period with respect to which it was making payments in lieu of contributions and its benefit wages and payrolls for such period shall be used in computing its benefit wage percentage pursuant to subsection D of this section.

(2) If the director finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners, or the major stockholders into the armed forces of the United States, or any of its allies, after July 1, 1950, such employer's experience rating account shall not be terminated; and, if the business is resumed within two years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience shall be deemed to have been continuous throughout such period. The benefit wage percentage of any such employer for the calendar year in which he resumes business and the three calendar years immediately following shall be a percentage equal to the total of his benefit wages (including any benefit wages resulting from the payment of benefits to any individual during the period the employer was in the armed forces based upon wages paid by him prior to his entrance into such forces) for the three most recent calendar years divided by that part of his total payroll, with respect to which contributions have been paid for the three most recent calendar years during the whole of which, respectively, such employer has been in business. This provision does not authorize cash refunds. Any adjustments required hereunder shall be only by credit certificates."

Section 11. Subsection B of Section, 204, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 204 B. The employee's benefit wages shall be determined as follows:

(1) When, for any benefit year an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment, his wages during his base period shall be employee's benefit wages;

(2) Except that wages paid to an employee during his base period for part-time employment by an employer who continues to give the employee employment to the same extent while he is receiving benefits as he did during his base period, shall not be determined to be employee's benefit wages. The employer shall establish the continuation of work to the satisfaction of the director by submitting such information as the director may require within four days, excluding Saturdays, Sundays and holidays, after the date of notification or mailing of notice by the director that the employee has first filed a claim for benefits.

(3) As to any employee who is a "maritime worker" benefit wages of such employee during a base period as determined under Subsection B (1) of this section, exclusive of any benefit wages based on wages in excess of the amount set forth in Section 191 A of this title paid to such employee during such base period by any one employer, shall be multiplied by a fraction the numerator of which is his average quarterly earnings (as defined in Section 211-C of this chapter as last amended) in his base period and the denominator of which is his highest of any quarter in his base period. The result shall be employee's benefit wages of such "maritime worker."

(4) When, in the determination of an employee's benefit wages, wages that have been included once in any employee's benefit wages, for one benefit year or in any employee's wages for one base period such wages shall not thereafter be included again in his benefit wages for any other benefit year or in his wages for any other base period respectively.

In computing an employee's benefit wages, no wages in excess of the amount defined as 'wages' in Section 191 of this title paid to him in his base period by any one employer shall be deemed benefit wages. It is the intent of this provision that no one employer be charged with benefit wages in excess of such amount defined in Section 191 of this title because of the receipt of benefits in a benefit year by one of his workers or former workers."

Section 12. Subsection G of Section 204, Title 26, Chapter 4, Code of Alabama 1940 as last amended, is hereby amended to read:

"§ 204 G. - Contribution rates for each employer, and his employees when required by the provision of section 202 of this title and paragraph (4) of this subsection, determined pursuant to subsection F of this section shall nevertheless be subject to increase as hereinafter provided.

(1) The "benefits payroll ratio" of the state for each fiscal year (for the purposes of this chapter, fiscal year means

the twelve consecutive month period beginning the first day of October of each year) shall be determined by dividing the total of benefits paid, including the State's portion of benefits paid under any extended benefit program, from the unemployment compensation fund within the preceding fiscal year less any benefits paid for which payments in lieu of contributions have been paid or are currently due to be paid, by the statewide total of taxable payrolls of all employers, upon which contributions have been paid, during the same fiscal year and by adjusting the quotient to the nearest multiple of one thousandth.

(2) The "minimum normal amount" of the unemployment compensation fund for each fiscal year shall be one and one-half times the amount determined by multiplying the highest statewide total of taxable payrolls of all employers upon which contributions have been paid during any one of the three most recent preceding fiscal years by the highest benefits payroll ratio for any one of the ten most recent preceding fiscal years.

(3) Whenever, at the end of any fiscal year, the fund is greater than the minimum normal amount for the next following fiscal year, the director shall on or before the 1st day of December next following so declare, and, effective for the twelve-month period beginning with the 1st day of April of the immediately succeeding calendar year, the contribution rates for each employer shall be determined by the director as provided in subsection F of this section on the basis of each employer's benefit wage percentage for the said immediately succeeding calendar year and the state experience factor as determined for the said immediately succeeding calendar year as provided in subsection E of this section.

(4) If at the end of any fiscal year the fund is less than the minimum normal amount for the next following fiscal year, the director shall on or before the first day of December next following so declare. To be effective for the twelve-month period beginning with the 1st day of April of the immediately succeeding calendar year the contribution rates for each employer shall be determined by the director from the table in subsection F of this section on the basis of each employer's benefit wage percentage for the said immediately succeeding calendar year and an increased state experience factor to be computed by multiplying the state experience factor for the said immediately succeeding year by two. In computing rates under this subsection all 13 columns in the table in subsection F of this section shall be used. If no percentage equal to or in excess of such benefit wage percentage appears on said horizontal line, the employer's contribution rate shall be three and six-tenths percent (3.6 percent).

When the state experience factor is required to be multiplied by two, as heretofore provided, each employee employed by an employer subject to this chapter shall, except as provided in section 202 of this chapter, contribute to the fund throughout the next immediately succeeding calendar year, and effective with wages for employment paid to him on or after the first day of such calendar year, at the rate of 0.5 percent (one-half of one percent).

(5) Any amount credited to this state's account under Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be included in the trust fund balance in determining whether or not such fund is greater or less than the minimum normal amount for a fiscal year.

(6) The director shall notify each employer of such declaration and change in state experience factor and of his benefit wage percentage and his contribution rate within thirty days after each such 1st day of April and, when contributions are required of employees under the provisions of this section, notice of such requirement shall be given the employer not later than ten days prior to the effective date of such contributions. This paragraph shall not apply to employers who in lieu of contributions reimburse the fund for benefits paid."

Section 13. Section 224, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 224. Period and termination of employer's coverage. -

A. Except as otherwise provided in subsection B of this section, any employing unit which is or becomes an employer subject to this chapter within any calendar year, shall be an employer subject thereto during the whole of such calendar year.

B. Except as otherwise provided in section 225 of this chapter, an employer (except state hospitals, state institutions of higher education and political subdivisions) shall cease to be an employer subject to this chapter -

(1) As of the first day of January of any calendar year if he files with the director prior to the first day of April of such year, a written application for termination of coverage and (a) he has not in any calendar quarter during preceding calendar year, paid for service in employment wages of \$1500 or more; and (b) he has not on each of some twenty days, each day being in a different calendar week in the last completed calendar year employed one or more individuals in employment subject to this chapter; provided, in the case of an employing unit which became subject to this chapter pursuant to sub-

section H of section 185, he has not on each of some twenty days, each day being in a different calendar week in the preceding calendar year employed four or more individuals in employment subject to this chapter.

(2) (a) As of the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph D (1) of section 185 of this chapter, provided he shall have ceased to employ any individual or individuals in employment subject to this chapter.

(b) If, immediately subsequent to the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph D (1) of section 185 of this chapter, he continues to employ any individual or individuals in employment subject to this chapter, he shall cease to be an employer subject to this chapter as of the first day of January next following the date of such transfer, provided he files with the director prior to the first day of April next following such first day of January, a written application for termination of coverage and he has not, subsequent to the date of such transfer and prior to such first day of January, employed one or more individuals in employment subject to this chapter on each of some twenty days, each day being in a different calendar week nor paid in any calendar quarter subsequent to such transfer for service in employment wages of \$1500 or more.

(3) As of the first day of January next following two consecutive calendar years ending on the preceding thirty-first day of December during which he employed no individuals in employment subject to this chapter.

C. Any political subdivision which has made an election may terminate said election after the two-year period called for in subsection 225 B of this chapter has been completed by filing with the director written notice not later than the first day of December of any calendar year; such termination to be effective as of the first day of the next ensuing calendar year with respect to services performed on and after that date.

When an employer's coverage is terminated under the provisions of this section such employer shall not thereafter become subject to the provisions of this chapter on the basis of any employment by such employer prior to the effective date of such termination."

Section 14. Section 225, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"§ 225. Employer election. - A. Any employing unit (except political subdivisions) not otherwise subject to this chapter

which files with the director its written election to become an employer subject hereto for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject hereto to the same extent as all other employers as of the date stated in such approval.

B. Any political subdivision of this State may elect at the beginning of any calendar quarter beginning on or after January 1, 1972, for a period of not less than two calendar years to cover under this Act service performed by employees in all of the hospitals and institutions of higher education, as defined in subsections L and M of section 186 of this chapter, operated by such political subdivision. Election is to be made by filing with the director a notice of such election at least 30 days prior to the effective date of such election."

Section 15. All laws and parts of laws in conflict herewith are hereby repealed.

Section 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 17. This act to take effect upon its passage and approval by the Governor or its otherwise becoming law.

Approved July 27, 1971.

Time: 2:25 P.M.

Act No. 167

H. 52—Turner, Cottingham

AN ACT

To make an appropriation to the George Corley Wallace State Junior College and Technical Institute, Selma, Alabama, for salaries and equipment outlay purposes.

Be It Enacted by the Legislature of Alabama:

Section I: There is hereby appropriated from the Alabama Special Education Trust Fund the sum of one hundred sixty-eight thousand, five hundred fifty-six dollars (\$168,556.00) to the use of the George Corley Wallace State Junior College and Technical Institute to be used for salaries, supplies, and equipment outlay purposes to open said State junior college division, 1971.

Section II: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 4:30 P.M.

Act No. 168

H.J.R. 38—Hobbie

HOUSE JOINT RESOLUTION

TO ESTABLISH A LEGISLATIVE COMMITTEE TO STUDY PARKING AND PARKING PROBLEMS IN THE CAPITOL COMPLEX. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING:

Section 1. There is hereby created a parking study committee to study the needs and problems of parking in the Capitol area complex.

Section 2. The committee shall be composed of three members of the House appointed by the Speaker and three members of the Senate appointed by the Lieutenant Governor.

Section 3. The committee shall conduct a study as aforesaid and shall file a written report with the State Building Commission.

Section 4. The expenses of this committee shall be paid out of funds appropriated to the use of the legislature, and all members shall receive their regular pay and expense allowances.

Section 5. The committee shall elect one of their members as a chairman and the chairman shall call meetings of the commission at such times and places as he deems necessary to carry out the functions and duties of the commission.

Approved July 30, 1971.

Time: 4:32 P.M.

Act No. 169

H.J.R. 86—Gray (F)

HOUSE JOINT RESOLUTION

RESOLUTION MEMORIALIZING DANIEL LOUIS ARMSTRONG, OTHERWISE KNOWN AS "SATCHMO"

WHEREAS God in his infinite wisdom has called to rest Daniel Louis Armstrong, otherwise known as "Satchmo," thereby silencing the great Jazzman's Golden Horn; and

WHEREAS Satchmo's rise from poverty and the ghetto to world renown is in the tradition of the American dream; and

WHEREAS "Satchmo," through the use of his horn and his wit, entertained peasants, mayors, legislators, congressmen, presidents, kings, queens and men and women of all walks of life; and

WHEREAS, as a result of his musical genius, he was able to create good will and understanding among peoples around the world, and in this way became "America's Ambassador of Good Will"; and

WHEREAS Daniel Louis Armstrong as an Ambassador of Good Will, a genius of music and an outstanding citizen was an unselfish, faithful and dedicated servant to humanity and will be greatly missed; and

WHEREAS the members of the Alabama Legislature wish to pay honor, respect and tribute to this outstanding American; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Legislature do hereby take official notice of the passing of Daniel Louis Armstrong, otherwise known as "Satchmo," and do hereby express their deep regret at his passing and do deeply honor his memory, and do extend their sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED, That the Clerk of the House be instructed to send a copy of this resolution to his bereaved family.

Approved July 30, 1971.

Time: 4:33 P.M.

Act No. 170

H.J.R. 90—Carter, Cross

HOUSE JOINT RESOLUTION

Commending Julian Newman

Whereas, Julian Newman served as Superintendent of Athens City Schools, Athens, Alabama, during the period 1945-1970; and,

Whereas, for over a quarter of a century the life of this educator was indelibly engraven upon the tables of the hearts of his students, and etched permanently upon the Athens community; and,

Whereas, this life like the rippling waves has set forth vibrations of character that continue to generate impulses carrying forth to the infinity of the human spirit; and,

Whereas, this gentleman did exemplify the highest standards of the education profession, to wit: nobility of spirit, patience, scholarship, justice and fairness, temperance and self-control, compassion for error, tolerance for human frailty, devotion to duty, and love of God and man, and,

Whereas, Julian Newman was and is first, last, and always—a teacher;

Therefore, be it hereby resolved by the Alabama State Legislature that this resolution of gratitude on behalf of the people of Alabama and the City of Athens in particular be proclaimed in honor of Julian Newman.

Be it further Resolved that a copy of this Resolution be sent to Mr. Newman.

Approved July 30, 1971.

Time: 4:35 P.M.

Act No. 171

H.J.R. 97—Wallace

HOUSE JOINT RESOLUTION

WELCOMING THE WANDERING WHEELS TO ALABAMA

WHEREAS the Wandering Wheels is an organization of fine young people who are dedicated to Christian living and who demonstrate the vitality of Christianity by touring the length and breadth of this country on bicycles, while discovering more about our wonderful country and participating in meaningful relations with churches, service clubs and individuals with whom they come in contact; and

WHEREAS we have with us today a group of nineteen young women and fifteen young men who are representative of the Wandering Wheels, which since its official recognition in 1964 has seen nearly 700 members travel 28,000 miles touching nearly every state in the Union; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially welcome the Wandering Wheels to Alabama and extend to them a warm invitation to visit the many scenic areas and historic sites that abound in this State. We commend them for the high principles for which they stand and offer them all best wishes throughout their journey.

BE IT RESOLVED FURTHER That a copy of this resolution be furnished to the Wandering Wheels.

Approved July 30, 1971.

Time: 4:36 P.M.

Act No. 172

H.J.R. 98—May

HOUSE JOINT RESOLUTION

CONGRATULATING WALTER LEWIS, JR., FOR WINNING THE PUNT, PASS AND KICK NATIONAL TITLE

WHEREAS Walter Lewis, Jr., a fine outstanding young athlete from Brewton has exemplified his ability and character in the field of athletics and sports; and

WHEREAS this young man has brought national recognition to his hometown of Brewton by winning the national Punt, Pass and Kick competition; and

WHEREAS the Legislature wishes to congratulate and honor Walter Lewis, Jr.;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Lewis is hereby congratulated on behalf of the State of Alabama for his outstanding achievement, and an invitation is hereby extended to Mr. Lewis to visit the Capitol.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to transmit a copy of this resolution to Mr. Lewis.

Approved July 30, 1971.

Time: 4:38 P.M.

Act No. 173

H.J.R. 99—Doss, Falkenburg, Erdreich,
Gloor, Adwell, Meeks,
Boutwell, Bowers,

Waggoner, Parker (H),
Dill, Jones (E), Timmons,
Wallace, Gafford, McBride,
Weeks, Ellis, Cherner

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CHARLES EDMUND HARRISON

WHEREAS Charles Edmund Harrison, age 89 and a citizen of Jefferson County died on July 11, 1971; and

WHEREAS He is greatly mourned by his many friends in Jefferson County where he was known as "Mr. Jefferson County" and "Mr. Charlie"; and

WHEREAS He was elected to the Jefferson County Commission when he was 65 serving 14 years before retirement; and

WHEREAS He was named the first Principal of Jones Valley High School which he helped organize; and

WHEREAS He was named County Treasurer in 1923, and served on the Jefferson County Board of Education; and

WHEREAS He was active in Masonic work, serving as Post Master of West End Lodge and an active church worker teaching Sunday School classes in several Baptist Churches; and

WHEREAS The Legislature of Alabama wishes to honor his memory; now therefore,

BE IS RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this distinguished citizen and do pass this resolution as a memorial to the exemplary life of this outstanding man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to his daughter and his family.

Approved July 30, 1971.

Time: 4:40 P.M.

Act No. 174

H.J.R. 100—McCluskey

HOUSE JOINT RESOLUTION

CONGRATULATING MIKE BRASWELL FOR WINNING THE PUNT, PASS AND KICK NATIONAL TITLE

WHEREAS Mike Braswell, a fine outstanding young athlete from Sylacauga has exemplified his ability and character in the field of athletics and sports; and

WHEREAS this young man has brought national recognition to his hometown of Sylacauga by winning the national Punt, Pass and Kick competition; and

WHEREAS the Legislature wishes to congratulate and honor Mike Braswell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Braswell is hereby congratulated on behalf of the State of Alabama for his outstanding achievement, and an invitation is hereby extended to Mr. Braswell to visit the Capitol.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to transmit a copy of this resolution to Mr. Braswell.

Approved July 30, 1971.

Time: 4:41 P.M.

Act No. 175

H.J.R. 101—Ellis, Gafford, Weeks, Dill,
Wallace, Bowers, McBride,
Boutwell, Meeks,
Waggoner, Adwell,
Erdreich, Jones (E),
Timmons, Falkenburg,
Gloor, Cherner, Doss,
Parker (H), Boles

HOUSE JOINT RESOLUTION

Saluting Honorable Huett Artman Snow, County Engineer of Jefferson County, on his distinguished career and his well-deserved designation as the outstanding "Urban County Engineer of the Year".

WHEREAS, Huett Artman Snow has served in the Engineering Department of Jefferson County, Alabama, continuously from August 1933, until the present, with the exception of taking leave to serve in the United States Marine Corps in World War II and the Korean War in the engineering field, retiring with the rank of colonel. He has served in his present position as County Engineer of Jefferson County since January 1, 1962; and

WHEREAS, While serving our great country in two major wars, Mr. Snow received many citations plus numerous medals,

including the Marine Commendation and the Bronze Star. His brilliant engineering knowledge in constructing the Marine Air Strip in sub-zero weather, under constant Chinese fire at Chosin Reservoir in northeast Korea, was of inestimable value in removing dead and wounded Marines, plus enough supply items to enable the First Marine Division to fight its way out of the Chinese trap to Pusan, Korea. Undoubtedly many Marines owe their very lives to the work of this heroic engineer; and

WHEREAS, Mr. Snow has very actively promoted the use of the best engineering standards for the design, construction, maintenance and operation of public facilities in his county, and has unselfishly shared his energy and knowledge with others. His promotion of a spirit of cooperation between county, state and federal agencies has been recognized throughout our state and nation; and

WHEREAS, This skillful engineer and great American has rendered such superior service in his profession that he has been selected by the National Association of County Engineers, which has a membership of 1200, as the outstanding "Urban County Engineer of the Year"; and

WHEREAS, This memorable recognition and award will be presented to him at the culmination of the National Association Conference Organization Conference in Milwaukee, Wisconsin, on Wednesday, July 21, 1971;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, On behalf of the people of the State of Alabama, that we salute Mr. Huett Artman Snow for the noteworthy recognition he has brought not only to himself, but to his county and to his state.

BE IT FURTHER RESOLVED That copies of this resolution shall be sent to Mr. Snow and to the National Association of County Engineers.

Approved July 30, 1971.

Time: 4:42 P.M.

Act No. 176

H.J.R. 104—Easters

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Student Center at Enterprise State Junior College be named

and known as Lurleen B. Wallace Student Center, as a fitting tribute to the late Governor Lurleen Burns Wallace for her untold contributions to education and related humane activities.

Approved July 30, 1971.

Time: 4:44 P.M.

Act No. 177

H.J.R. 105—Easters

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Science Building at Enterprise State Junior College be named and known as Louie H. Sessions Hall, as a fitting tribute to Louie Horatio Sessions who faithfully served on the Enterprise Board of Education for forty years, a majority of the time as its chairman, contributing in many ways to the growth and progress of the City of Enterprise and the surrounding area.

Approved July 30, 1971.

Time: 4:45 P.M.

Act No. 178

H.J.R. 106—Easters

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library at Enterprise State Junior College be named and known as William Elbert Snuggs Library, as a fitting tribute to William Elbert Snuggs who rendered outstanding service to Coffee County and the State of Alabama as principal of Enterprise High School and who was President of the Alabama Education Association.

Approved July 30, 1971.

Time: 4:46 P.M.

Act No. 179

H.J.R. 107—Bank, Parker (T), Robertson,
McCorquodale, Roberts,
Culver, Collins

HOUSE JOINT RESOLUTION

COMMENDING SPEAKER SAGE LYONS

WHEREAS our distinguished Speaker, the Honorable Sage Lyons, presides over the House of Representatives with extraordinary patience and complete fairness and impartiality; and

WHEREAS Speaker Lyons performs the duties of his office with outstanding ability and with such dedication to purpose as to be an inspiration to each member of this body; and

WHEREAS Speaker Lyons is a gentleman who is admirably equipped by training, education, experience and natural temperament to be a leader of men; having been born in Mobile, the descendant of families long prominent in the history of this state, he attended schools in that city, was subsequently graduated from Washington and Lee University and the University of Alabama School of Law, since which time he has successfully engaged in the practice of law in Mobile and been active in the promotion of effective programs for the betterment of state and local government; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we warmly commend Speaker Lyons for the responsible leadership which he has consistently exhibited in the performance of the functions of his office. We are deeply appreciative of the fair and thoughtful consideration which he affords to each legislative proposal and we assure him that we are ever mindful of the many kindnesses and courtesies extended to the individual members of the House.

BE IT FURTHER RESOLVED That Speaker Lyons be furnished with a copy of this resolution.

Approved July 30, 1971.

Time: 4:48 P.M.

Act No. 180

H.J.R. 108—Hardin, Bassett

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DREXEL RUSHING

WHEREAS Drexel Rushing, Age 41 and a citizen of the city of Luverne, Alabama, was killed on July 8, 1971, while active in the line of duty; and

WHEREAS Drexel Rushing had completed seven years of outstanding and courageous service to the citizens of Luverne; and

WHEREAS the Police Department of the city of Luverne acknowledges the dedication and bravery exemplified by Drexel Rushing; and

WHEREAS he is greatly mourned by his friends in the city of Luverne and especially by his wife and children; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this outstanding man and do pass this resolution as a memorial to his exemplary life, his bravery and his service to his fellowman.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to his wife.

Approved July 30, 1971.

Time: 4:50 P.M.

Act No. 181

S.J.R. 35—Clark

SENATE JOINT RESOLUTION

CONGRATULATING MISS KITTY WINN UPON BEING NAMED BEST ACTRESS AT THE RECENT INTERNATIONAL FILM FESTIVAL IN CANNES, FRANCE.

WHEREAS Kitty Winn, the daughter of (Ret.) Col. and Mrs. James Winn of Clayton has had an outstanding success in the field of Acting; and

WHEREAS Miss Winn has earned the signal honor of being named the best actress at the recent international film festival in Cannes, France for her role in "Panic in Needle Park"; and

WHEREAS because of her natural beauty, charm, poise, and talent she will most surely create interest in this State wherever she goes; thus the recognition she has won and that she is destined to win in the future will rebound to the credit and benefit of Alabama; and

WHEREAS the Legislature wishes to congratulate and honor Miss Winn; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Miss Winn is hereby congratulated on behalf of the State of Alabama for her outstanding achievement, and an invitation is hereby extended to Miss Winn to visit the Capitol, and City of Mont-

gomery during the present session of the Legislature, and the privilege of the floor of both houses are extended to her.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to transmit a copy of this Resolution to Miss Winn.

Approved July 30, 1971.

Time: 4:54 P.M.

Act No. 182

S.J.R. 55—Pierce, Jones, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, King, Lindsey, Littleton, Lybrand, McLain, Malone, Noonan, O'Bannon, Owen, Pelham, Register, Shelby, Vacca, Weaver, Wilder, Wilson

SENATE JOINT RESOLUTION

Extending Best Wishes to Mr. Neal H. Chandler on his retirement from the Capitol Patrol.

WHEREAS, Mr. Neal H. Chandler is retiring after eight years of service as acting chief of the Capitol Patrol; and

WHEREAS, Mr. Chandler recently has been assigned to the legislative halls, and has become a trusted friend; and

WHEREAS, Mr. Chandler is retiring this week for reasons of health; now, therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That this body will greatly miss the presence and the services rendered by Mr. Chandler, and wish for him many years of happiness and health in his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Chandler.

Approved July 30, 1971.

Time: 4:52 P.M.

Act No. 183

S.J.R. 56—Pelham, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick,

Dozier, Edington, Fine Foshee,
 Gilmore, Givhan, Hammond,
 Harris, Hawkins, Horne, Jones,
 King, Lindsey, Littleton,
 Lybrand, McLain, Malone,
 Noonan, O'Bannon, Owen
 Pierce, Register, Shelby, Vacca,
 Weaver, Wilder, Wilson

SENATE JOINT RESOLUTION

WHEREAS, on July 22, 1971, an ORDER TO SHOW CAUSE was issued out of the United States District Court for the Middle District of Alabama, Northern Division, in a suit pending in that Court entitled M. O. Sims, et. al., Plaintiffs, vs. Mabel Amos, Secretary of the State of Alabama, et. al., Defendants, which such ORDER TO SHOW CAUSE directs that the Defendants appear within ten days from July 22, 1971, and show cause why the Legislature of Alabama is not under a mandatory constitutional duty to reapportion itself by the end of its current Session or at a Special Session prior to December 31, 1971; and

WHEREAS, it is desirable that the Legislature of Alabama consult and confer immediately with the parties Defendant in such cause and to advise with such Defendants in the preparation and submission of an answer to the said ORDER TO SHOW CAUSE and to otherwise maintain liaison with such Defendants all to the end that the interest of the Government and people of the State of Alabama shall be preserved and protected; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative Committee to consist of three (3) members from the House, to be appointed by the Speaker, and three (3) members from the Senate, one of which will be the President Pro Tem of the Senate, and the other two members of the Senate to be appointed by the Lieutenant Governor. This Committee shall have the authority to employ counsel to assist the Legislature of Alabama in the above mentioned court action. The funds from which counsel shall be paid shall come from monies appropriated to the Legislature. This counsel shall work and assist with other attorneys and the Attorney General in defending the Legislature in this action.

Approved July 30, 1971.

Time: 4:53 P.M.

To amend Sections 2, 3 and 8 of Act No. 865 of the 1961 Legislature of Alabama, approved September 8, 1961 (Alabama General Acts, 1961, Volume II, page 1349 et seq.), so as to provide that any one or more persons duly licensed to practice a profession under the laws of this State may form a professional association.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 3 and 8 of Act No. 865 of the 1961 Legislature of Alabama, approved September 8, 1961 (Alabama General Acts, 1961, Volume II, page 1349 et seq.) authorizing the formation of professional associations be and the same hereby are amended to read as follows:

"Section 2. Any one or more persons duly licensed to practice a profession under the laws of this State may form a professional association, as distinguished from a partnership or corporation, for the purpose of carrying on a profession upon compliance with the terms of this act; provided that no professional association organized pursuant to the provisions of this act shall render professional service in more than one type of professional service.

Section 3. Such person or persons may form a professional association by executing and recording articles of association in the office of the judge of probate of the county in which the principal office of such association is located, and must be by such judge recorded in a book kept for that purpose. After recording such articles of association the probate judge shall endorse thereon his certificate of registration, showing the book and page where recorded, and for his services for recording the certificate shall receive fifteen cents for each one hundred words of the articles of association, and two dollars and fifty cents for examining the articles. The person or persons forming the association shall adopt such name for the association as they in their discretion may determine, provided that the name selected shall be followed by the words 'Professional Association,' or the abbreviation 'P.A.' Any dentist or dentists forming the association shall be governed by the rules of the regulating board of their profession in adopting a name for the association. The articles of association may contain any provisions not in violation of law or the public policy of this State as the members of the association may decide. Such articles may be amended or dissolved at any time and from time to time by agreement of two-thirds of the members at any regular meeting or at a special meeting called for that purpose, and upon likewise recording such amendment or instrument of dissolution in the same place or places as the original articles of association.

Section 8. Unless the articles of association expressly provide otherwise, a professional association shall continue as a separate entity independent of its member or shareholders, for

all purposes for such period of time as provided in the articles, or until dissolved by a vote of two-thirds of the members, and shall continue notwithstanding the death, insanity, incompetency, conviction for felony, resignation, withdrawal, transfer of membership or ownership of shares, retirement, or expulsion of any one or more of the members or shareholders, the admission of or transfer of membership or shares to any new member or members or shareholder or shareholders, or the happening of any other event, which under the law of this State and under like circumstances, would work a dissolution of the partnership, it being the aim and intention of this section that such professional association shall have continuity of life independent of the life or status of its members or shareholders."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 30, 1971.

Time: 4:55 P.M.

Act No. 185

S. 205—Fine

AN ACT

Relating to counties having populations of not less than 23,900 and not more than 24,450; to require a deposit on court costs in civil cases in intermediate courts in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any county having a population of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census.

Section 2. In all civil cases filed in the intermediate court in any such county a deposit on cost shall be required as follows:

In all civil cases filed claiming an amount under \$100.00, a deposit on costs must be paid by the plaintiff at the time for filing the suit in the amount of \$11.50.

In all civil cases filed claiming an amount over \$100.00, a deposit on costs must be paid by the plaintiff at the time of filing the suit in the amount of \$15.50.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 4:57 P.M.

Act No. 186

S. 399—Cooper

AN ACT

To repeal Act No. 237, S. 459, approved August 16, 1967, Regular Session 1967 (Acts 1967, p. 613), entitled, "An Act to apply only in counties having populations of not less than 18,000 nor more than 19,000 according to the most recent federal decennial census, authorizing such counties to provide additional compensation for registrars."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 237, S. 459, approved August 16, 1967, Regular Session 1967 (Acts 1967, p. 613), entitled, "An Act to apply only in counties having populations of not less than 18,000 nor more than 19,000 according to the most recent federal decennial census, authorizing such counties to provide additional compensation for registrars," is repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved July 30, 1971.

Time: 4:58 P.M.

Act No. 187

S. 430—Givhan

AN ACT

Relating to the City of Uniontown in Perry County: Authorizing the City of Uniontown as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and to residents of the municipal corporation and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to the City of Uniontown in Perry County.

Section 2. The municipal corporation of the City of Uniontown in Perry County shall have the right to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to their residents and residents of surrounding territory.

Section 3. The municipal corporation is authorized to construct, lease, purchase or otherwise acquire television lines or cables for the furnishing of television service from any point in this state or any other state to said municipal corporation and surrounding territory.

Section 4. For the purposes of this act such municipal corporation may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 5. a) In payment for the purchase, construction, acquisition, extension or maintenance of such television cable system, the said municipal corporation may issue its bonds in the manner provided by law.

b) Such municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for the construction, acquisition, extension or maintenance of a television cable system may execute a mortgage or deed of trust upon any or all of such system and all property used in connection therewith, including the franchise or any part thereof.

c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the municipal corporation and holders of such bonds or securities issued by such municipal corporation as may be determined and agreed upon by the governing body of the municipal corporation and persons, firms or corporations owning such debts, bonds or securities.

d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege and franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the municipal corporation is authorized to operate until the

municipal corporation may redeem such system from such mortgage sale.

e) Such mortgage or deed of trust may provide that during the ownership of the system by the municipal corporation, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such municipal corporation may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 6. The municipal corporation furnishing television cable service pursuant to this act shall have the right to require any person furnishing television cable service to the public in this state to interconnect the television cable, lines, facilities or systems furnishing such service with, or otherwise make available such cables, lines, facilities or systems to the municipal corporation's television cable, lines, facilities or system in order to provide a continuous line of communication for the municipal corporation's subscribers. In the event such person and the municipal corporation shall be unable to agree upon the terms and conditions of such interconnection, including compensation therefor, the Alabama Public Service Commission, upon the request of the municipal corporation, shall establish such terms and conditions which shall be reasonable and nondiscriminatory.

Section 7. The municipal corporation shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this act and in effectuating the purposes of this act.

Section 8. For the transaction of business pursuant to this act, the said municipal corporation shall be exempt from the jurisdiction and control of the Alabama Public Service Commission with respect to such business.

Section 9. All laws or parts of laws in conflict with this act are repealed.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:00 P.M.

Act No. 188

S. 445—Cooper

AN ACT

To repeal Act No. 106, S. 52, approved September 30, 1965, Special Session 1965 (Acts 1965, p. 144), entitled, "An Act To apply only in counties of the State having populations of not less than 18,000 nor more than 19,400 inhabitants according to the last or any subsequent federal decennial census; to further regulate the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 106, S. 52, approved September 30, 1965, Special Session, 1965 (Acts 1965, p. 144), entitled, "An Act to apply only in counties of the State having populations of not less than 18,000 nor more than 19,400 inhabitants according to the last or any subsequent federal decennial census; to further regulate the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken," is repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved July 30, 1971.

Time: 5:02 P.M.

Act No. 189

S. 486—Fine

AN ACT

Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent Federal decennial census; to provide an expense allowance for the Deputy Sheriffs in all such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in all counties in this state having populations of not less than 23,900 nor more than 24,450, according to the most recent Federal decennial census.

Section 2. In addition to all other compensation and allowances heretofore or hereafter provided by law, all regularly

employed Deputy Sheriffs shall be entitled to an allowance for expenses in the amount of six hundred (\$600.00) dollars per annum, which allowance shall be paid in equal monthly installments. Said allowance shall be paid out of either the County and Bridge Fund or the County General Fund.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:05 P.M.

Act No. 190

H. 190—Turnham, McBride

AN ACT

To make an appropriation for the purpose of purchasing Free Textbooks for the fiscal year ending September 30, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all other appropriations heretofore made, there is hereby appropriated for the fiscal year ending September 30, 1971, from the Alabama Special Educational Trust Fund to the State Board of Education, the sum of one million five hundred thousand dollars (\$1,500,000.00) for the purchase of Free Textbooks.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 29, 1971.

Time: 3:30 P.M.

Act No. 191

H. 525—Mathews

AN ACT

To provide for an expense allowance for the presiding judge of all Judicial Circuits in this State composed of three (3) counties with two (2) circuit judges, and having a total population of not less than 60,000 or more than 70,000 according to the last or any subsequent Federal Decennial Census; and providing for the payment of such expense allowance out of the General Funds of the counties composing such Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The presiding judge of the Eighteenth Judicial Circuit of this State shall receive an additional expense allowance, for the purpose of defraying expenses in the performance of his official duties, in the amount of \$2400.00 per annum, to be paid by the counties composing such circuit. The allowance herein provided for shall be paid monthly from the general funds of such counties on a pro rata basis calculated upon the assessed value of taxable property in such counties for the previous fiscal year, as shown by the records in the tax assessors' offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in such county bears to the total assessed value of the property within such judicial circuit. The expense allowance herein provided for shall be in addition to all other compensation paid by the State by way of salary to such judge and also the allowances now authorized by Code of Alabama, 1940, Title 13, Section 178.

Section 2. All other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:00 P.M.

Act No. 192

H. 526—Merrill, Stewart, Burgess

AN ACT

Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Calhoun County shall meet on the first Monday and for nine consecutive days thereafter, Sundays and legal holidays excepted, in the months of February, March, April, May, June, July, August and September of each year, and on the first Monday and for nineteen consecutive days thereafter, Sundays and legal holidays excepted, in the months of October, November, December and January of each year, for the purpose of registering voters. An applicant may register at the courthouse or at any other location in the county designated by the board of registrars. When the board meets at the courthouse it shall stay in session from 8 a.m. until 5 p.m. each day.

Section 2. Such board of registrars shall also meet at the courthouse on the third Monday in February in each year and for 39 consecutive days thereafter, Sundays, legal holidays and the time or times for registering voters excepted, for the purpose of purging the voting list.

Section 3. The board of registrars of Calhoun County is authorized to employ an executive secretary, subject to the approval by the county governing body of Calhoun County, Alabama. The executive secretary shall keep the office of the board of registrars open from 8 a.m. until 5 p.m. at such times when the board is not in session and he is authorized to take applications for registration and acknowledgements thereto, provided he is a notary public or some other officer authorized to take acknowledgements to deeds or is bonded as such executive secretary in such amount as is prescribed by the board of registrars. The executive secretary shall also attend to all clerical work of the board, and he shall devote his entire time to duties imposed by the board.

Section 4. The county governing body of Calhoun County shall provide office space for the board of registrars and shall provide the executive secretary of the board of registrars with clerical help and such office supplies as may be necessary in the opinion of the governing body of Calhoun County, Alabama.

Section 5. The executive secretary provided for herein shall be paid a salary out of the county treasury of not less than four hundred ----- dollars nor more than six hundred ----- dollars per month, the exact amount to be fixed by the county governing body of Calhoun County.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:10 P.M.

Relating to the jury commission in all counties having populations of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census, providing for the number of meeting days of the commission and the compensation of its members.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census, the jury commission shall be authorized to meet for not more than fifteen days each month and each member of the commission shall be paid fifteen dollars per day for the time actually engaged in the discharge of his duties as such member. Such compensation shall be paid out of the county treasury upon the warrant of the probate judge of the county. Such warrants shall be issued by the probate judge upon satisfactory evidence to him that such services were actually rendered.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:12 P.M.

Act No. 194

H. 579—Coshatt

AN ACT

To repeal Act No. 837, H. 1106, approved September 12, 1969, entitled, "An Act relating to counties having a population of not less than 24,800, nor more than 25,400; authorizing boards of equalization in such counties to meet 200 days per year and increasing the compensation of members to \$15.00 per day." (Acts of Alabama, Regular Session, 1969, p. 1542).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 837, H. 1106, approved September 12, 1969, entitled, "An Act relating to counties having a population of not less than 24,800, nor more than 25,400; authorizing boards of equalization in such counties to meet 200 days per year and increasing the compensation of members to \$15.00 per day,"

(Acts of Alabama, Regular Session, 1969, p. 1542) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved July 30, 1971.

Time: 5:14 P.M.

Act No. 195

H. 645—Grey (D)

AN ACT

Relating to Counties having a population of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census; designating the funds from which the annual salary of the Sheriff shall be payable.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, the annual salary of the Sheriff shall be payable in equal installments out of the general funds of the county or out of the county public highway and traffic funds, as the County Commission may direct.

Section 2. All laws or parts of law which conflict with this act are hereby repealed.

Section 3. This act shall take effect on the 1st day of the month next following the date of its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:16 P.M.

Act No. 196

H. 677—Jackson, Wise

AN ACT

Relating to Covington County, Alabama, to provide that any regular Circuit Judge of the Circuit Court of Covington County, Alabama or any other Circuit Judge with like authority serving said county may appoint two additional bailiffs to serve the Circuit Court of Covington County, during any session thereof; to prescribe the pay for the service of said bailiffs and to provide for the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The regular Circuit Judge of the Circuit Court of Covington County, Alabama, or any other Circuit Judge with

like authority serving the Circuit Court of Covington County, Alabama is hereby authorized to employ bailiffs not to exceed two in number in addition to any other bailiff or bailiffs authorized by the Laws of the State of Alabama to serve any session of said court when convened in Covington County, Alabama; and such bailiff shall perform such duties as the court shall direct.

Section 2. The maximum pay for each of the bailiffs whose appointment is authorized in the preceding section shall be fixed by the Judge appointing such bailiff or bailiffs and the County Governing Body of Covington County, Alabama, and shall not exceed the sum of \$25.00 per day. The pay for said bailiff or bailiffs shall be payable from the general fund of Covington County, Alabama upon the certificate of the prescribing Judge.

Section 3. All laws in conflict with the provisions of this act, general or local, are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act shall be declared unconstitutional, the remainder of said act shall be valid and binding.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:18 P.M.

Act No. 197

H. 678—Jackson, Wise

AN ACT

Relating to Covington County, Alabama and the method of giving notice of the requirement of attendance of Jury service in Covington County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Notices of the requirement of the attendance of jury service may be served by first class mail, or may be served as provided by Section 33, of Title 30, Code of Alabama, 1940 as recompiled 1958 and as last amended. Should in the discretion of the Sheriff, the service be made by first class mail, such service shall be as follows: It shall be the duty of the Sheriff of the County to enclose the summons in an envelope addressed to the person to be served and place all necessary postage and a return address thereon with notice to the postal authorities not to forward outside of Covington County, Alabama. In the event said jury summons is returned to the Sheriff by the Post Office

Department of the United States without delivery the summons shall be by the Sheriff returned NOT FOUND. All jury summons not returned by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this Section in reference to service by mail, however shall not apply to jury summons returnable before the Court instanter, but such summons shall be served only as provided by Section 33 of Title 30, Code of Alabama of 1940 as recompiled 1958 and as last amended.

Section 2. All laws in conflict with the provisions of this act, general or local, are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act shall be declared unconstitutional, the remainder of said act shall be valid and binding.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:20 P.M.

Act No. 198

H. 679—Jackson, Wise

AN ACT

Relating to Covington County, Alabama; to regulate further the excusing of persons from jury service in the Circuit Court of Covington County, Alabama; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Judge in the Circuit Court of Covington County, Alabama, who excuses any person from jury service for reasonable and proper cause pursuant to Code of Alabama 1940, Title 30, Section 5, may in his discretion, direct such person so excused from jury service to serve at some later date to be determined by the court. No juror who is excused pursuant to the provisions of this Section shall be entitled to his mileage fee and per diem fee for the day on which he originally appears and is excused; and for his services during the subsequent week in which he is required to serve he shall receive the same fees and mileage as if he was originally summoned to serve during that week.

Section 2. All laws in conflict with the provisions of this Act, general or local, are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act shall be declared unconstitutional, the remainder of said Act shall be valid and binding.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:22 P.M.

Act No. 199

H. 681—Jackson, Wise

AN ACT

Relating to Covington County, Alabama, relieving the Clerk of the Circuit Court, Covington County, Alabama and the Register of the Circuit Court of Covington County, Alabama from subscribing to and filing weekly newspaper published in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Circuit Court of Covington County, Alabama and the Register of the Circuit Court of Covington County, Alabama, after the effective date of this Act shall no longer be required to subscribe to or file any weekly newspaper published in Covington County, Alabama as now provided for by Title 7, Section 724 of the Code of Alabama.

Section 2. All laws in conflict with the provisions of this Act, general or local, are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act shall be declared unconstitutional, the remainder of said act shall be valid and binding.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:24 P.M.

Act No. 200

H. 682—Jackson, Wise

AN ACT

Relating to Covington County, Alabama; to allow prospective jurors to be excused without the presence of the defendant in the Circuit Court of Covington County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by a jury is held before the Circuit Court of Covington County, Alabama, the judge presiding over the empanelment of the jury venire in said capital case is authorized to excuse any prospective juror outside the presence of the defendant provided said juror has a legal excuse for being excused and it shall be within the discretion of the judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by statutes now in force and effect.

Section 2. The provision of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:26 P.M.

Act No. 201

H. 872—Bassett, Hardin

AN ACT

Relating to Pike County; to authorize the Court of County Commissioners of Pike County to provide a Deputy Tax Assessor, a Deputy Tax Collector, a Deputy Circuit Clerk, a Probate Clerk, and a Secretary for the Inferior Court of Pike County; and to provide for their appointment, duties and compensation; to repeal Act No. 259, Regular Session 1951 as amended; Act No. 258, Regular Session 1951 as amended; Act No. 148, Regular Session 1955 as amended; Act No. 332, Regular Session 1961 as amended and all laws and parts of laws in conflict with the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Pike County is hereby authorized to provide a Deputy Tax Assessor for said County to be appointed by and to hold office at the pleasure of the Tax Assessor; a Deputy Tax Collector to be appointed by and to hold office at the pleasure of the Tax Collector; a Deputy Clerk of the Circuit Court to be appointed by and to hold office at the pleasure of the Clerk of the Circuit Court; a Probate Clerk to be appointed by and to hold office at

the pleasure of the Judge of Probate, and a Secretary to the Inferior Court of Pike County to be appointed by and to hold office at the pleasure of the Judge of the Inferior Court of Pike County.

Section 2. The Deputy Tax Assessor, the Deputy Tax Collector, the Deputy Clerk of the Circuit Court, the Probate Clerk and the Secretary to the Inferior Court shall each receive a salary to be fixed by the Court of County Commissioners not to exceed Three Thousand Dollars (\$3,000.00) per annum payable in equal monthly installments from the general fund of the County.

Section 3. Act No. 259, Regular Session 1951 as amended, Act No. 258, Regular Session 1951 as amended, Act No. 148, Regular Session 1955 as amended, Act No. 332, Regular Session 1961 as amended, and all laws and parts of laws in conflict with the provisions hereof are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:28 P.M.

Act No. 202

H. 873—Bassett, Hardin

AN ACT

Relating to Pike County: to provide for the payment of an expense allowance to members, including the Chairman or Ex Officio Chairman, of the Court of County Commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member, including the Chairman or Ex Officio Chairman of the Court of County Commissioners of Pike County shall be paid for traveling expenses in inspecting the work of maintenance, upkeep and repairing the public roads and bridges the sum of \$200.00 per month for mileage and cost of transportation in performing such services, to be paid on warrants drawn by the County Treasurer out of the Gasoline Tax Fund.

Section 2. All laws or parts of laws which conflict with this act are, to the extent of such conflict, repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:30 P.M.

Act No. 203

H. 893—Carnes, Waldrop, Wynot

AN ACT

To provide that certain employees of Etowah County or the Etowah County Board of Education shall not be dismissed from employment or reduced to status as part-time employees except for certain causes; relating to the rights of employees dismissed or reduced to part-time status; establishing the Etowah County Personnel Board, granting the Board certain authority, providing for the compensation and duties of its members, and directing and authorizing the governing body of Etowah County to provide the members of the Board with reasonable and necessary legal counsel.

Be It Enacted by the Legislature of Alabama:

Section 1. No full-time employee of Etowah County or the Etowah County Board of Education shall be dismissed from employment by an elected official of Etowah County except for incompetency, insubordination, neglect of duty, immorality, excessive absenteeism, or other good and just cause.

Section 2. This act shall not affect hiring, promotion or demotion of employees.

Section 3. This act shall apply only for the benefit of employees who have been employed by Etowah County or the Etowah County Board of Education for a period of one year or longer.

Section 4. This act shall not apply for the benefit of teachers, principals, the superintendent of education, or any persons who are covered by the provisions of the teacher tenure laws of Alabama.

Section 5. The words "elected official" as used herein shall include an elected board or commission.

Section 6. There is hereby created and established the Etowah County Personnel Board, which shall be composed of the following persons: 1) the president of the Gadsden Labor Council, 2) the president of the Etowah County Bar Association, and 3) the president of the Chamber of Commerce of the City of Gadsden.

Section 7. If any employee covered under the provisions of this act shall be dismissed, he shall have the right to have the action of dismissal reviewed by the Etowah County Personnel

Board to determine if the dismissal was proper under the provisions of this act.

Section 8. In the event that any elected official desires to dismiss any employee, he shall give notice in writing by United States registered mail, postage prepaid, to such employee, stating in detail the reason or reasons for dismissal. A copy of said notice shall be sent in the same manner to each member of the Etowah County Personnel Board.

Section 9. Upon receipt of such notice, the employee may within ten days, and not thereafter, demand a hearing before the said Board to contest the propriety of the dismissal.

Section 10. Upon receipt of the demand for hearing, the Board shall order a hearing within ten days, which hearing shall be public or private at the discretion of the employee. The employee and the elected official shall each have the right to be present and to be heard with or without counsel. Each shall have the right to present the testimony of witnesses and other evidence bearing upon the reason or reasons for dismissal. Each shall have the right to examine adverse witnesses.

Section 11. The Board shall have the right to administer oaths, take depositions and issue subpoenas to compel the attendance of witnesses and production of papers as evidence.

Section 12. The Board shall also issue subpoenas upon request of either party. Any person failing to obey the Board's subpoena may be punishable by the Circuit Court of Etowah County for contempt.

Section 13. Upon consideration of all the evidence at the hearing, the Board shall determine the question of the propriety of the dismissal and shall render its decision within five days.

Section 14. No employee shall return to or continue at his employment once he has received notice of his dismissal as provided in Section 8 hereof, until the Board has rendered its decision. If the Board determines that the dismissal was proper under the provisions of this act, the employee shall not be permitted to return to work. The employee shall, however, be paid from the Etowah County treasury an amount equal to one-fourth of one month's salary for each year of service with the county, as severance pay. If the Board determines that the dismissal was not proper under the provisions of this act, the employee shall return to work immediately and shall be paid from the Etowah County treasury an amount equal to his full salary for the time during the pendency of the proceeding before the Board. Nothing in this act shall preclude the rehiring at a later date of any employee dismissed under the provisions of this act,

provided, however, that upon such rehiring, the county shall deduct from the wages of the employee twenty per cent of such wages per month until such time as the county shall thereby be reimbursed for severance pay previously paid to the employee under the provisions of this act.

Section 15. The reduction of a full-time employee to status as a part-time employee shall be considered the same as a dismissal and the provisions of this act shall likewise apply, provided that if the Board finds that a reduction to status as a part-time employee is proper under the provisions of this act, the employee shall return to work as such part-time employee immediately, and he shall not be allowed severance pay, provided, however, that if the employee's employment as a part-time employee is such that the employee shall be required to work less than twenty-one hours per week, then the employees shall be allowed severance pay in an amount equal to one-half of the amount provided for in Section 14 thereof.

Section 16. The members of the Etowah County Personnel Board shall receive a salary of seventy-five dollars per year, which salary shall be in lieu of any and all other compensation.

Section 17. The board of revenue, county commission, or like governing body of Etowah County is hereby authorized and directed to provide for the members of the Etowah County Personnel Board, in their capacity as such members, all legal counsel and representation as may be reasonable and necessary.

Section 18. In the event that any member of the said Board shall be unable to serve because of illness, disability, or other good cause, the vice-president, or if there be more than one vice-president, the first vice-president of the organization of which the member is president (under Section 6 hereof) shall serve in his stead.

Section 19. The provisions of this act are severable. If any part hereof shall be declared unconstitutional, the parts which remain shall not be affected.

Section 20. This act shall take effect immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 30, 1971.

Time: 5:32 P.M.

Act No. 204

H. 410—Owens

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Hale County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, the county governing body and/or any municipality in Hale County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or any municipality in Hale County or upon all property in any district the boundaries

of which the governing body of the county or municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of the county or any municipality in Hale County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the governing body of the county or any municipality in Hale County.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the county or any municipality in Hale County for the purpose of determining the borrowing capacity of the county or any such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. Neither the county nor any municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or

the affected municipality. The governing body of the county or any municipality in the county may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment.

Passed the House June 10, 1971.

Passed the Senate July 27, 1971.

Act No. 205 H. 530—Bowers, Jones (E), Meeks, Gafford,
Wallace, Falkenburg, Boutwell, Dill,
Weeks

AN ACT

To amend Section 210 of Title 13 of the 1940 Code of Alabama, which relates to the appointment, term and removal of registers of circuit courts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 210 of Title 13 of the 1940 Code of Alabama is hereby amended to read as follows:

"Section 210. There shall be a register of the circuit court of each county to be appointed as follows: Where there is only one judge of the circuit, the register shall be appointed by such judge; where there are more judges than one, the presiding judge shall appoint the register. The register shall hold office for the term of the judge appointing him, but subject to removal by the judge for cause by order to be entered at length on the minutes of the court. The register shall perform all the duties

heretofore required of registers in chancery by law; he shall have power to render decrees pro confesso on any day in all cases in which service has been perfected; and shall be entitled to receive all the fees prescribed for registers in chancery; provided, however, that in all counties having a population of two hundred thousand or more according to the last or any subsequent federal census the fees collected by the register shall be paid into the county treasury. In circuits composed of one county only, having thirteen or more judges, a majority of the judges assigned and directed by the presiding judge to serve in the equity division shall appoint the register and may remove him for cause by order to be entered at length on the minutes of the court."

Section 2. The provisions of this Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:15 P.M.

Act No. 206 H. 537—Meeks, Falkenburg, Cherner, Parker
(H), Dill, Weeks, Jones (E),
Waggoner, Ellis, Boutwell, Wallace,
Gafford

AN ACT

To authorize the county governing body of all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census to provide for the appointment of a County Pardon and Parole Board; to provide for the conditional release of county prisoners; to provide for the return to the County Jail of any prisoner who violates the condition of his release; and repeal all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. That all county governing bodies in all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census are hereby authorized to appoint a County Pardon and Parole Board to be composed of three members. Said members shall serve at the pleasure of the County Governing body.

Section 2. The County Pardon and Parole Board shall be authorized and empowered by majority vote of said Board to release from the County Jail any county prisoners on whatever terms or conditions required by said Board.

Section 3. Said Board or its duly authorized agents or employees are authorized and empowered to seize wherever he

may be any such county prisoner who has violated any of the conditions of his pardon or parole and return said prisoner to the County Jail.

Section 4. It is the intent of this act to vest any and all powers needed or necessary upon said County Pardon and Parole Board to perform the functions of the said Board.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:17 P.M.

Act No. 207

H. 543—Timmons, Parker (H), Jones (E)

AN ACT

To apply in all counties having a population of 500,000 inhabitants or more, according to the last or any subsequent Federal decennial census and to authorize the County Board of Health in all such counties to solicit, receive and hold gifts, grants, devises and bequests of money, real estate and any other thing of value and to use County Board of Health funds to match or supplement any such gifts, grants, devises and bequests of money, real estate or any other thing of value to carry out the purpose or purposes for which any such gift, grant, devise or bequest of money, real estate or other thing of value was given or granted; to further authorize said Board to purchase any real or personal property needed to carry out the functions of said Board.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties having a population of 500,000 inhabitants or more according to the last or any subsequent Federal decennial census and authorize the County Board of Health in all such counties to solicit, receive and hold gifts, grants, devises and bequests of money, real estate and any other thing of value and to use County Board of Health funds to match or supplement any such gifts, grants, devises and bequests of money, real estate or any other thing of value and to carry out the purpose or purposes for which any such gift, grant, devise or bequest of money, real estate or other thing of value was given or granted.

Section 2. The County Board of Health in all such counties shall have the authority to purchase in the Board's name any real or personal property needed to carry out the functions of said Board.

Section 3. The provisions of this Act are severable and if any section, sub-section, paragraph, sentence, phrase or clause shall be held invalid by a court of competent jurisdiction such invalidity shall not effect the remaining portions of this Act.

Section 4. This Act shall take effect upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:19 P.M.

Act No. 208 H. 683—Boutwell, Doss, Weeks, McBride,
Cherner, Dill, Wallace, Parker
(H), Boles, Bowers, Gloor,
Jones (E), Waggoner, Ellis

AN ACT

To permit persons to make returns of taxable property, whether real or personal, by mail in those counties where Section 80, Title 51, Code of Alabama of 1940, as amended, is now, or is hereafter, in effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties where Section 80, Title 51, Code of Alabama of 1940, as amended, is now, or is hereafter, in effect, any person who owns property, whether real or personal, may make a return of such property to the tax assessor by mail, or by an authorized agent having knowledge of such taxable property.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:20 P.M.

Act No. 209 H. 822—Stokes, Callahan, Roberts, Nettles,
Lyons, Therrell, Downing

AN ACT

To amend further Act No. 172, H. 187, 1st Special Session 1964, as amended, which Act related to Judicial Circuits composed of one county and having not less than six nor more than nine Circuit Judges, by providing for an additional legal stenographer for such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 2, 3, 4 and 5, Act No. 172, H. 187, 1st Special Session 1964, as amended, is hereby amended further to read as follows:

“Section 1. In Judicial Circuits composed of one County and having not less than six or more than nine Circuit Judges, there is hereby established the positions of Administrative Assistant to the District Attorney and two Legal Stenographers to the District Attorney in said Circuits.

“Section 2. The Administrative Assistant to the District Attorney in said circuits is hereby empowered to report all the proceedings of the Grand Juries of said circuits; shall report all hearings in County Courts and Municipal Courts of said circuits when directed to do so by the District Attorney; shall keep all official records in connection with the office of the District Attorney and under the direction of the District Attorney as the office may require. The Legal Stenographers to the District Attorney shall perform the stenographic and clerical duties of the office of the District Attorney and perform any and all duties in connection with the office of the District Attorney and under the direction of the District Attorney as the office may require.

“Section 3. The District Attorney of said Judicial Circuits is hereby empowered to appoint the said Administrative Assistant to the District Attorney and the said Legal Stenographers to the District Attorney who shall serve in such positions at the pleasure of the District Attorney.

“Section 4. The Administrative Assistant to the District Attorney shall receive as compensation for such services the sum of not less than fifty-four hundred dollars annually and not more than seventy-five hundred dollars annually, and the two Legal Stenographers to the District Attorney shall each receive as compensation for such services the sum of not less than forty-eight hundred dollars annually and not more than six thousand dollars annually the amounts to be fixed by the District Attorney and to be payable in equal monthly installments out of the General Fund of the County comprising such circuits.

“Section 5. The provisions of any existing Merit System or Civil Service Law shall not be applicable to such Administrative Assistant to the District Attorney and two Legal Stenographers to the District Attorney and the provisions of any law,

local or general in conflict with any of the provisions of this Act are repealed."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:22 P.M.

Act No. 210

H. 853—Williams

AN ACT

To provide for the appointment of the Clerk of the County Commission of Jackson County and other clerical assistance deemed necessary by the Chairman of the County Commission; to provide for the fixing of the compensation of such clerk and clerical assistance by the County Commission; and to repeal all laws, general, local or special, in conflict with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chairman of the County Commission of Jackson County shall be authorized to appoint the Clerk of the County Commission and such other clerical assistance as he may deem necessary.

Section 2. The compensation of the Clerk of the County Commission of Jackson County and such other clerical assistance shall be fixed by the County Commission and all such compensation shall be payable by warrants drawn by the Chairman upon the general funds of the county.

Section 3. All laws, general, special or local, in conflict with the provisions of this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:24 P.M.

Act No. 211

H. 854—Williams

AN ACT

Relating to counties having populations of not less than 38,100 nor more than 40,500, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 38,100 nor more than 40,500, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be six dollars, which shall be collected by the sheriff. Five dollars of each fee collected under this section of this Act shall be deposited by the sheriff of such county, in any bank located in such county, into a fund known as the Sheriff's Fund; the remaining part of each fee collected shall be credited to the general funds of the county. The Sheriff's Fund as provided in this section of this Act shall be drawn upon by the sheriff of such county or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit. The establishment of the Sheriff's Fund as provided in this Act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:26 P.M.

Act No. 212

H. 997—Williams, Baker, Chesnut

AN ACT

To amend the title and Section 1 of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), which Act provides for an expense allowance for each of the circuit judges in all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), is hereby amended to read as follows:

"An Act To provide for an expense allowance for each of the circuit judges of all judicial circuits in this state composed of three counties, with two circuit judges, and having a total population of not less than 90,000 or more than 110,000 according to the last or any subsequent federal decennial census; and providing for the payment of such expense allowance out of the general funds of the counties composing such judicial circuits."

Section 2. Section 1 of said Act No. 146, H. 185, is hereby amended to read as follows:

“Section 1. Upon passage and approval of this Act, each of the circuit judges of any judicial circuit in this state composed of three counties and having two circuit judges and a population of not less than 90,000 or more than 110,000 according to the last or any subsequent federal decennial census, shall receive an expense allowance for the purpose of defraying expenses in the performance of their official duties, and shall be in the amount of \$3,600.00 per annum, to be paid by the counties composing such circuit. The expense allowance hereby authorized shall be paid in equal monthly installments out of the general fund of each of said counties in equal proportions, and such expense allowance shall be in addition to all other compensations now authorized by law.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 4, 1971.

Time: 5:28 P.M.

Act No. 213

H. 998—Williams, Chesnut, Baker

AN ACT

To amend the title and Section 1 of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), which Act provides for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), is hereby amended to read as follows:

“An Act To provide for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and having a total population of not less than 90,000 or more than 110,000 according to the last or any subsequent federal decennial census; and providing for the payment of such expense allowance out of the general funds of the counties composing such judicial circuits.”

Section 2. Section 1 of said Act No. 148, H. 203, is hereby amended to read as follows:

“Section 1. Upon passage and approval of this Act, the district attorney of any judicial circuit in this state composed of

three counties and having two circuit judges and a population of not less than 90,000 or more than 110,000 according to the last or any subsequent federal decennial census, shall receive an expense allowance for the purpose of defraying expenses in the performance of his official duties, and shall be in the amount of \$3,600.00 per annum, to be paid by the counties composing such circuits. The expense allowance hereby authorized shall be paid in equal monthly installments out of the general fund of each of said counties in equal proportions, and such expense allowance shall be in addition to all other compensation now authorized by law."

Section 3. This Act shall become effective September 1, 1971.

Approved August 4, 1971.

Time: 5:30 P.M.

Act No. 214

H. 1002—Williams

AN ACT

TO ALTER, REARRANGE AND EXTEND THE BOUNDARY LINES OF THE TOWN OF HOLLYWOOD, JACKSON COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS OF SAID TOWN ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS THERETO, IN JACKSON COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Hollywood, Jackson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, so that the corporate limits of said Town of Hollywood shall hereafter be comprised of all the territory lying within the following described boundaries situated in Jackson County, Alabama, to-wit:

Begin at the Northeast corner of the South half of Section 25, Township 3 South, Range 6 East, and run thence West with the North boundary of the South half of said Section 25 and to the point of intersection of the said half-section line with the Southeast right-of-way of the Southern Railway; thence run Southwesterly with the Southeast right-of-way line of Southern Railway to its point of intersection with the North boundary of the Southeast quarter of Section 35, Township 3 South, Range 6 East; thence run West with the North boundary of the South half of said Section 35 and the North boundary of the South

half of Section 34, Township 3 South, Range 6 East and to the Northwest corner of the South half of said Section 34; thence run South with the West boundary of said Section 34 and to the Southwest corner of said Section 34; thence continue running South with the West boundary of Section 3 and the West boundary of Section 10, Township 4 South, Range 6 East, and to the point of intersection of the West boundary of said Section 10 with the center of Dry Creek; thence run with the meanderings of the center of Dry Creek in a generally Southeasterly direction across said Section 10 and across Section 15, Township 4 South, Range 6 East, and to the point of intersection of the center of Dry Creek with the South boundary of said Section 15; thence run East with the South boundary of said Section 15 and the South boundary of Section 14, Township 4 South, Range 6 East and to the Southeast corner of said Section 14; thence run North with the East boundary of said Section 14 and with the East boundary of Section 11, Township 4 South, Range 6 East, and to the point of intersection of the East boundary of said Section 11 with the South boundary of the Harlin, Morgan and Rilie Reservations; thence run diagonally in a Northeast direction and to the point of intersection of the North boundary of the Harlin, Morgan and Rilie Reservations with the East boundary of Section 1, Township 4 South, Range 6 East; thence run North with the East boundary of said Section 1 and to the Southeast corner of Section 36, Township 3 South, Range 6 East; thence run North with the East boundary of said Section 36 and the East boundary of Section 25, Township 3 South, Range 6 East to the point of beginning.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the Town of Hollywood, voting in a referendum election to be held on a day designated by the probate judge of Jackson County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the probate judge of Jackson County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama 1940, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the probate judge, nor need a plat or map of the territory to be annexed be filed with the probate judge. The question shall be

on the adoption of Act No. _____, H. 1002, of the 1971 Regular Session of the Legislature, which alters, rearranges, and extends the corporate limits of the City of Hollywood in Jackson County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The Town of Hollywood shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes" the provisions of this Act shall become operative immediately. If the majority are "No" this Act shall have no further effect.

Approved August 4, 1971.

Time: 5:32 P.M.

Act No. 215

H. 1003—Williams

AN ACT

To alter, rearrange, extend and enlarge the boundary lines and Corporate limits of the Town of Dutton, Alabama, in Jackson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Dutton in Jackson County, Alabama, be and the same are hereby altered, rearranged, extended and enlarged so as to include within the Corporate limits of said city the following described territory:

Beginning at the Northwest corner of Section 8, Township 5 South, Range 7 East of the Huntsville Meridian in Jackson County, Alabama; thence run eastward with the north boundary of said Section 8 to the northeast corner of said Section 8; thence continue eastward with the north boundary of Section 9, Township 5 South, Range 7 East of the Huntsville Meridian in Jackson County, Alabama, to the northeast corner of said Section 9; thence run southward along the east boundary of said Section 9 to the southeast corner of said Section 9; thence continue southward along the eastern boundary of Section 16, Township 5 South, Range 7 East of the Huntsville Meridian in Jackson County, Alabama, to the southeast corner of said Section 16; thence run westward along the southern boundary of said Section 16 to the southwest corner of said Section 16; thence continue westward along the southern boundary of Section 17, Township 5 South, Range 7 East of the Huntsville Meridian to the southwest corner of said Section 17; thence run northward

along the western boundary of said Section 17 to the southeast corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, Township 5 South, Range 7 East of the Huntsville Meridian in Jackson County, Alabama; thence run westward along the south boundary of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 7 to the southwest corner of said forty; thence run north along the western boundary of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7 to the northwest corner of said forty; thence run eastward along the north boundary of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7 to the northeast corner of said forty; thence run north along the western boundary of said Section 8, Township 5 South, Range 7 East of the Huntsville Meridian in Jackson County, Alabama, to the northwest corner of said Section 8 and to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:34 P.M.

Act No. 216

S.J.R. 36—Cooper

SENATE JOINT RESOLUTION

REQUESTING THAT THE CORPS OF ARMY ENGINEERS NAME THE JONES BLUFF LOCK AND DAM FACILITY FOR DR. ROBERT F. HENRY.

WHEREAS Dr. Robert F. Henry has held the position of Chairman of the Board and President of the Coosa-Alabama River Improvement Association, Inc., for a period of more than sixteen years; and

WHEREAS he has devoted a great deal of time and thought to the development of the Alabama-Coosa River System; and

WHEREAS through his efforts the development of the Alabama-Section of the River System is assured, and navigation will be provided by September, 1971, from the mouth of the Alabama River to Montgomery; and

WHEREAS Dr. Henry has been an outstanding business executive for many years and has served as President of Birmingham-Southern College; and

WHEREAS Dr. Henry has been recognized and honored many times some of which include, Recipient 1963 Patriotic Civilian Service Award of the Department of the Army, listed

in Who's Who in Commerce and Industry; Who's Who in the Methodist Church; Who's Who in the South and Southwest; and

WHEREAS Dr. Henry has served several organizations and institutions in various capacities which include Past Chairman Board of Trustees First Methodist Church, Montgomery, Alabama, Past Chairman Board of Trustees Lomax Foundation, Montgomery, Alabama; Past President Birmingham-Southern Alumni Association, Past Chairman Board of Trustees Birmingham-Southern College, Past President Montgomery Kiwanis Club, Past President United Appeal of Montgomery, Past President Montgomery Symphony Orchestra Association, Past President Montgomery Chapter English-Speaking Union; Board Member Union Bank and Trust Company, Board Member Alabama Gas Corporation, Board Member and Past President Montgomery Area Chamber of Commerce, Member Third U. S. Army Advisory Committee, Member Alabama Historical Society, Member Alabama State Chamber of Commerce, Member of the Chamber of Commerce of the United States, Member of Pi Kappa Alpha and Phi Delta Phi fraternities; and

WHEREAS the Jones Bluff Lock and Dam Project now under construction by the Corps of Army Engineers is nearing completion and it is understood by the Legislature that these projects are usually named for some individual; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body goes on record as requesting that this facility be named in honor of Dr. Robert F. Henry.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this Resolution to the Corps of Army Engineers, The Alabama Congressional Delegation and Dr. Henry.

Approved August 4, 1971.

Time: 5:35 P.M.

Act No. 217 S.J.R. 37—Fine, Pierce, Foshee, Shelby, Vacca,
Dozier, Hawkins

SENATE JOINT RESOLUTION

COMPLIMENTING CHILTON COUNTY ON ITS ANNUAL PEACH FESTIVAL AND THANKING SENATOR OBIE LITTLETON FOR INVITING THE LEGISLATURE.

WHEREAS the annual Chilton County Peach Festival was held last Saturday and was a gala event; and

WHEREAS our distinguished colleague, Senator Obie Littleton, invited all of us to participate in the festivities; and

WHEREAS we were treated to a grand parade, barbecue, and water ski show and did meet the beautiful and gracious Peach Queen, Miss Margo Headley; and

WHEREAS many baskets of the large, juicy and delicious peaches which have made Chilton County famous throughout Alabama and the South were proudly displayed; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do thank our distinguished colleague, Senator Obie Littleton, for inviting us to the annual Chilton County Peach Festival and do wish many happy returns of this fine annual event.

BE IT FURTHER RESOLVED that the Secretary of the Senate send a copy of this resolution to **The Chilton County News**, Clanton, Alabama.

Approved August 4, 1971.

Time: 5:36 P.M.

Act No. 218

S.J.R. 58—Vacca, Pelham, Cook, Bailes, Hawkins, King, Givhan, Clark, Fine, Pierce, Gilmore, Jones, Dozier, Carr, Foshee, Weaver, Lybrand, Littleton, Branyon, Dominick, Hammond, Wilder, Edington, Noonan, Horne, Register, Lindsey, Owen, Cooper, McLain, Malone, O'Bannon, Shelby, Wilson, Harris

SENATE JOINT RESOLUTION

WHEREAS, Alabama can boast of having 10% of our nation's natural resources, which includes extensive timber reserves; an expanding inland and seaport docks facilities, and an excellent rapport between labor and management; and

WHEREAS, this great state has a strategically located network of Trade Schools, Technical Institutions, and Junior Colleges and is currently developing an Industrial Training Program that will respond to the specific vocational skills of a newly located or expanding industry thereby allowing for a

profitable operation during the first few months of existence; and

WHEREAS, the executive and legislative branches of state government have, over the years, been responsible for promoting legislation that provides new or expanding industry with substantial tax credits, site preparation grants, and long term, low interest financing; now, therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do hereby express our personal and collective interest in the Ohio based Foremost Furniture Company's express desire to locate in the Southeastern United States and urge them to investigate the advantages which Alabama has to offer the furniture industry; and

BE IT FURTHER RESOLVED, That duly authenticated copies of this resolution be transmitted to Mr. Irwin Turner, President of Foremost Furniture Company, of Archibald, Ohio, and to Mr. Fred Denton, Director of Industrial Development for the State of Alabama.

Approved August 4, 1971.

Time: 5:37 P.M.

Act No. 219 S.J.R. 62—Pierce, Carr, Bailes, Branyon, Clark,
Cook, Cooper, Dominick, Dozier,
Edington, Fine, Foshee, Gilmore,
Givhan, Hammond, Harris, Hawkins,
Horne, Jones, King, Lindsey,
Littleton, Lybrand, McLain, Malone,
Noonan, O'Bannon, Owen, Pelham,
Register, Shelby, Vacca, Weaver,
Wilder, Wilson

SENATE JOINT RESOLUTION

EXTENDING A WARM ALABAMA WELCOME TO MISS DEBBY DANE, GOOD WILL AMBASSADOR FOR WALT DISNEY WORLD.

WHEREAS, in October of this year one of the outstanding vacation attractions in the world will be opened to the public near Orlando, Florida—Walt Disney World, developed as a sister entertainment to Disneyland; and

WHEREAS, This immense complex will greatly increase the tourist industry in our sister state of Florida, and that of Alabama as well; and

WHEREAS, This giant stride in the direction of wholesome family entertainment is a welcome change in these days of X-rated movies, drug abuse and the "new morality"; and

WHEREAS, Miss Debby Dane, the 19-year-old official ambassador from Walt Disney World, will be in Alabama on Friday, July 30, 1971, on an official visit to promote this newest and greatest of Walt Disney's enterprises; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature does cordially welcome Miss Debby Dane to Alabama, and wishes her well during her good-will tour of the states;

BE IT FURTHER RESOLVED That the forthcoming opening of Walt Disney World in Orlando is anticipated with great pleasure, and, speaking for the people of Alabama, we pledge our enthusiastic support.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Miss Debby Dane.

Approved August 4, 1971.

Time: 5:38 P.M.

Act No. 220

S. 282—Wilson

AN ACT

To authorize the director of the Legislative Reference Service to employ additional temporary staff members and clerical help either subject to the provisions of the merit system law or without regard to the provisions thereof, under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of the Legislative Reference Service is hereby authorized to hire, either subject to the provisions of the State Merit System law or without regard to the provisions thereof, additional temporary staff members and clerical help, when, in his opinion, there is an unusual work load caused by session of the Legislature or otherwise.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:40 P.M.

Act No. 221

S. 283—Wilson

AN ACT

To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of salaries and other expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the State treasury not otherwise appropriated to the use of the Legislative Reference Service for the payment of salaries, equipment and any other expenses related to the operations of that agency. The appropriation herein made shall be in addition to all other appropriations heretofore made by law for the payment of the expenses of the Legislative Reference Service.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 4, 1971.

Time: 5:42 P.M.

Act No. 222

S. 39—Lybrand

AN ACT

Further amending Code of Alabama 1940, Title 34, Section 20; relating to marriage and divorce; making incompatibility of temperament a ground for divorce.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 34, Section 20, is hereby amended to read as follows:

“Section 20. DIVORCE; BY WHAT COURT, AND ON WHAT GROUNDS GRANTED.—The Circuit Court in equity has power to divorce persons from the bonds of matrimony, upon bill filed by the aggrieved party, for the causes following: 1. In favor of either party, when the other was, at the time of the marriage physically and incurably incapacitated from entering

into the marriage state. 2. For adultery. 3. For voluntary abandonment from bed and board for one year next preceding the filing of the bill. 4. Imprisonment in the penitentiary of this or any other state, for two years, the sentence being for seven years or longer. 5. The commission of the crime against nature, whether with mankind or beast, either before or after marriage. 6. For becoming addicted after marriage to habitual drunkenness or to habitual use opium, morphine, cocaine or other like drug. 7. Upon application of either the husband or wife, when the court is satisfied from all the testimony in the case, that there exists such a complete incompatibility of temperament that the parties can no longer live together. 8. In favor of either party, when the other, after marriage, shall have been confined in an insane asylum for a period of five successive years; if such party from whom a divorce is sought is hopelessly and incurably insane at the time of the filing of the bill. Provided, however, that the superintendent of the insane asylum in which such person is confined shall make a certified statement, under oath, that it is his opinion and belief, after a complete and full study and examination of such person, that such person is hopelessly and incurably insane."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law on August 12, 1971 under Section 125 of the Constitution without approval by the Governor.

Act No. 223

S. 748—Lybrand

AN ACT

To provide for an expense allowance for the Tax Assessor, Tax Collector, Probate Judge, Circuit Court Clerk, Chairman of the County Commission, Judge of County Court and Register in Equity, Judge of Juvenile Court, Commissioner of Licenses, and Associate Commissioners in all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census.

Section 2. The governing bodies of all such counties shall have authority to pay an annual expense allowance of the following sums to said officers in said counties:

(a) \$3,000 to the Tax Assessor, Tax Collector, Probate Judge, Circuit Court Clerk, Chairman of the County Commission, Judge of the County Court and Register in equity.

(b) \$2,000 to the Judge of Juvenile Court, Commissioner of Licenses.

(c) \$1,200 to the Associate Commissioners Automobile Allowance.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 10, 1971.

Time: 5:00 P.M.

Act No. 224 H.J.R. 110—Adwell, Boles, Waggoner, Meeks,
 Jones (E), Ellis, Boutwell,
 Erdreich, McBride, Timmons,
 Parker (H), Wallace, Weeks,
 Dill

HOUSE JOINT RESOLUTION

**HONORING DR. ALSTON CALLAHAN FOR SERVICES
 AND OUTSTANDING WORK DONE IN BIRMINGHAM,
 ALABAMA**

WHEREAS Dr. Alston Callahan is internationally known for his ophthalmic surgery, his fine text and teaching films, delicate reconstructive procedures and other outstanding professional achievements; and

WHEREAS Dr. Callahan has been most instrumental in enlisting the support of philanthropists and fellow ophthalmologists which resulted in the creation of the Eye Foundation Hospital; and

WHEREAS Dr. Callahan was chief of eye surgery at Northington General Hospital in Tuscaloosa, Alabama during World War II, participating in very difficult operations that were responsible for many successful reconstructions on soldiers who had sustained severe eye injuries; and

WHEREAS Dr. Callahan's generosity and benevolence contributed greatly toward the founding of the Robert I. Ingalls Foundation; and

WHEREAS Dr. Callahan has traveled extensively throughout our nation to attend professional meetings and lecture; and

WHEREAS Dr. Callahan can take great pride in his wife and four children who have distinguished themselves; Kristina Alice, a young actress recently completing a tour with Gloria Swanson in "Butterflies Are Free", Patrick Callahan who is working for his doctorate in particle physics at the University of California in Los Angeles, Timothy, a successful banker in Birmingham, Alabama, and Karin Eivor, who is a junior in high school; and

WHEREAS he is greatly admired and respected by his family, friends and fellow citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they recognize and pay tribute to this outstanding citizen for his many civic and professional achievements.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to him and his family and to Dr. Joseph Volker at U.A.B. for the Eye Foundation Hospital.

Approved August 11, 1971

Time: 12:30 P.M.

Act No. 225

H.J.R. 111—Pruitt, Manley

HOUSE JOINT RESOLUTION

RELATIVE TO THE NAMING OF ANY NEW, RECONSTRUCTED OR RENOVATED BRIDGE OR BRIDGES ACROSS THE TOMBIGBEE RIVER AT MOSCOW

WHEREAS, the bridge across the Tombigbee River at Moscow, just below Demopolis, where that river forms the boundary between Marengo and Sumter Counties, has always been popularly called "The Rooster Bridge" and for many years now has been officially named the "Demopolis Rooster Bridge"; and

WHEREAS, when the building of the Dixie Overland Highway, one of the first big federal aid highway projects in this country, was proposed Alabama was faced with the problem of raising \$150,000, the estimated cost of the construction of the bridge; and

WHEREAS, Mr. Frank I. Derby, a widely known cattle farmer of Sumter County, devised a novel plan for bridging the

Tombigbee with the proceeds of a gigantic rooster sale, secured the donation of hundreds of roosters, many from prominent residents of Alabama, but of some also from residents of other states, and organized a big barbecue and rooster sale which was held on the Town Square in Demopolis in connection with a two-day annual meeting of the Dixie Overland Highway Association; and

WHEREAS, President Woodrow Wilson took time out from the Versailles peace conference to send four game roosters from Brest, France, for this sale, each rooster to be named for the head of one of the victorious allies in the recent World War: Woodrow Wilson, Lloyd George of Great Britain, Clemenceau of France and Orlando of Italy; and

WHEREAS, "Woodrow Wilson," a handsome game rooster, was bid in at the sale for the unbelievable sum of \$58,000, roosters donated by several of Alabama's Congressmen brought several thousand dollars, each, and bids for roosters amounting to a grand total of \$158,000 were received on that memorable August 14, 1919; and

WHEREAS, highway and bridge designs have changed in the fifty odd years since the "Rooster Bridge" was constructed and it is no longer adequate to accommodate traffic on the Dixie Overland Highway at Moscow; so present plans for improving such highway call for dismantling this bridge and replacing it with two more modern structures; and

WHEREAS, the Demopolis rooster sale which sparked the building of the bridge at Moscow, and thus formed an important connecting link in a nation-wide highway is one of the most colorful bits of the history of Alabama, quite worthy of perpetuation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the authorities in charge of updating, renovating and reconstructing the Dixie Overland Highway are hereby memorialized to take appropriate notice of the important part played by Mr. Frank I. Derby and the Demopolis rooster sale in the early development of that stretch of the highway between Demopolis and the Alabama-Mississippi State line by officially naming whatever bridge or bridges will hereafter span the Tombigbee River in this vicinity "The Rooster Bridge or Bridges" in honor of Mr. Frank I. Derby.

BE IT FURTHER RESOLVED, That the Alabama Highway Department is hereby directed, when that part of the renovated Dixie Overland Highway in the vicinity of Moscow and the bridges therein have been completed, to erect and maintain

on or near each such bridge a plaque, marker or tablet describing the unique plan used for raising funds for the first bridge to span the Tombigbee River in this area. This plaque, marker or tablet shall specifically state that this plan was devised by Mr. Frank I. Derby and much of its success was due to his ingenuity, his dynamic personality, his diligence, and the tenacity with which he worked for this area's progressive development.

BE IT ALSO RESOLVED, That a copy of this resolution be sent by the Clerk of the Alabama House of Representatives to the United States Bureau of Public Roads, a copy to the Director of the Alabama Highway Department and a copy to Mr. Derby's widow, Mrs. Frank I. Derby, and a copy to each of his three daughters, Mrs. Curry Rumley, Mrs. Ralph Gardner, and Mrs. Burnell Chaney, and a copy to his son, Mr. Allison Derby.

Approved August 11, 1971

Time: 12:31 P.M.

Act No. 226

H.J.R. 114—Drake, St. John

HOUSE JOINT RESOLUTION

NAMING THE BRIDGE ON CULLMAN COUNTY ROAD NUMBER 15 WHICH CROSSES L. M. SMITH LAKE IN HONOR OF MR. JOHN PHILLIPS.

WHEREAS the bridge on Cullman County road number 15, which crosses L. M. Smith Lake between the communities of Brusby Pond and Wheat has never been officially named; and

WHEREAS this bridge lies in an area that was originally settled and owned by Mr. John Phillips, an outstanding farmer and citizen of Cullman County, for a great many years; and

WHEREAS the legislature deems it appropriate to honor this fine gentleman by naming the bridge for him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge crossing L. M. Smith lake on Cullman County road number 15, be named the "Phillips Bridge."

BE IT FURTHER RESOLVED, That the Clerk of the House be directed to send a copy of this resolution to Mrs. Dennis Blalock, Route 1, Hanceville, Alabama, and Mrs. Gilbert A. Day, 605 3rd Avenue West, Cullman, Alabama.

Approved August 11, 1971

Time: 12:32 P.M.

AN ACT

To authorize and provide for the promotion of the production, marketing, use and sale of soybeans and soybean products by research, education, advertising and other methods; and prescribing a method whereby soybean producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for nonassessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the soybean producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of soybeans throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of soybeans; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. PURPOSE AND INTENT. — It is hereby declared to be in the interest of the public welfare that producers of soybeans shall be authorized and encouraged to act jointly and in cooperation with handlers, dealers, purchasers of soybeans and with the Commissioner of Agriculture and Industries and with the State Board of Agriculture and Industries in promoting and stimulating by research, education, advertising and other methods, the increased and efficient production, distribution, use and sale of soybeans and soybean products; and it is the intent and purpose of this Act to authorize and provide a method and procedure for a promotional program for the soybean industry and the financing thereof pursuant to powers of the Legislature as authorized by the amendment to the State Constitution which expressly authorizes such activity.

Section 2. NOT IN RESTRAINT OF TRADE. — No association, meeting or activity undertaken in pursuance of the provisions of this Act and intended to benefit the Alabama soybean industry shall be deemed or considered illegal or in restraint of trade.

Section 3. REFERENDUM AND ASSESSMENTS BENEFICIAL.—It is hereby further declared to be in the public interest and highly advantageous to the economy of the State that soybean producers be permitted by referendum as herein-after provided to levy upon themselves an assessment, and to provide for the collection thereof for the financing or contributing toward the financing of a program of research, edu-

cation, advertising and other methods designed to increase or promote the efficient and economical production, distribution and marketing as well as the increased use, consumption and sale of soybeans and soybean products.

Section 4. APPLICATION FOR APPROVAL TO CONDUCT REFERENDUM.—Any nonprofit association of producers fairly and substantially representative of the producers of soybeans throughout the State, may at any time after this Act becomes effective, make application to the State Board of Agriculture and Industries for certification and approval for the purpose of conducting a referendum among soybean producers of the State, upon the question of levying an assessment, collecting, expending and utilizing same for the purpose or purposes authorized under this Act and as stated in such referendum. Any nonprofit association approved or certified hereunder as an approved or certified association by the State Board of Agriculture and Industries shall be authorized to execute or carry out such a promotional program within the limits prescribed by this Act.

Section 5. ACTION BY BOARD ON APPLICATION. — Upon the filing with the State Board of Agriculture and Industries of an application by any nonprofit association of soybean producers, the said Board shall within thirty days thereafter meet and consider the application. If it is shown by the applicant to the satisfaction of the Board that the applicant is fairly and substantially representative of the soybean producers of this State, and shall otherwise find and determine that such application and the program proposed therein are in conformity with the provisions and purposes of this Act, then, and in such an event, the Board shall certify such association as the duly delegated and authorized group or organization and shall likewise certify that such organization is duly authorized to conduct among the soybean producers of this State a referendum for the purpose set forth in its application which shall be consistent with the purposes of this Act. In the event there is more than one pending application at any time, the Board must decide between the pending applications based on the program proposed, the number and geographical distribution of soybean producer members in the applicant organization, the size, stability, potential effectiveness and fiscal soundness of the applicant organization and any organizations with which it is affiliated, the existence and effectiveness of affiliated county organizations in the applicant organization and its affiliates, and the sentiment of soybean producers as ascertained by petitions, hearings, and otherwise as may be determined by the Board. No application shall be considered if an organization holds currently valid certification.

Section 6. REFERENDUM BY CERTIFIED ASSOCIATION.—Upon being so certified by the State Board of Agriculture and Industries, such organization shall thereupon be fully authorized and empowered to hold and conduct on the part of the Alabama soybean producers a referendum wherein they shall be entitled to vote on the question of whether or not they shall levy upon themselves an assessment under and subject to and for the purpose stated in this Act. The referendum shall be conducted on a statewide basis.

Section 7. NOTICE OF REFERENDUM. — With respect to any referendum conducted under the provisions of this Act, the duly certified organization shall, not less than thirty days before the date for such referendum, publicly announce the date, hours, polling places and rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected, and the general purposes to which said amount so collected shall be expended and applied. Such notice shall be published by the certified organization through the medium of an established farm publication and written notice thereof shall be given to each county agent in the area covered by the referendum.

Section 8. CONDUCT OF REFERENDUM. — The arrangements for and the management of any referendum conducted hereunder shall be under the direction of the organization certified by the State Board of Agriculture and Industries to conduct same, and such organization shall furnish all necessary ballots and arrange for the necessary poll holders. All expense and costs necessary to conduct such a referendum shall be borne by such organization.

Section 9. ELIGIBILITY TO VOTE IN REFERENDUM. —Any referendum conducted hereunder may be held on a statewide basis pursuant to rules and regulations adopted by the State Board of Agriculture and Industries for the holding of such referendum. All producers of soybeans who shall be subject to any assessments levied hereunder shall be entitled to vote in the referendum. In such referendum, individuals so eligible for participation therein shall vote upon the question of whether there shall be levied an assessment for a period of three years in an amount set forth in the call for such referendum, which amount shall not exceed the limitations prescribed by this Act.

Section 10. TWO-THIRDS VOTE REQUIRED. — If in such referendum two-thirds or more of the soybean producers who are eligible to participate and who actually vote therein, shall vote in the affirmative and in favor of the levying and collection of the assessment proposed in such referendum, then

such assessment shall be levied and collected in the manner hereinafter provided. All soybean producers who produced soybeans in the crop year immediately preceding the referendum shall be eligible to participate in said referendum. Following the referendum and within ten days thereafter the certified association shall canvass, tabulate and publicly declare and announce the results thereof. The amount of the assessment levied upon the sale of soybeans shall not exceed one-half cent per net bushel after deductions for foreign material on any soybeans sold by the producers thereof.

Section 11. SUBSEQUENT REFERENDUMS. — In the event any such referendum conducted as herein provided shall fail to receive the required number of affirmative votes from soybean producers eligible for participation and voting therein, then the certified association conducting the said referendum shall be authorized to call another referendum for the purposes herein set forth in the next succeeding year, on the question of an assessment and promotional program for the period authorized by this Act, provided no such referendum shall be held within a period of twelve months from the date on which the last referendum was held. In the event such referendum is carried or favored by the required number of eligible soybean producers participating therein and assessments in pursuance thereof are levied for the period set forth in the call for such referendum, then the organization conducting such referendum shall have full power and authority to call and conduct during, or after, the last year of such period another referendum in which the soybean producers shall vote upon the question of whether or not such assessments shall be continued or renewed for another period of time as authorized under this Act. Any subsequent referendums as authorized hereunder shall be subject to all of the requirements as an original referendum conducted under the provisions of this Act.

Section 12. COLLECTION OF ASSESSMENTS. — In the event the required number of soybean producers approve, by a referendum as provided hereunder, the levying of an assessment upon the sale of soybeans for a promotional program, the Commissioner of Agriculture and Industries shall, within thirty days, notify in writing every person engaged in the business of buying soybeans whether said buyers are located within the State of Alabama or not, that on or after the date designated in such notice, which shall not be less than thirty nor more than sixty days after the mailing of such notice by the Commissioner of Agriculture and Industries, that the amount of the assessment levied pursuant to the referendum shall be deducted by all purchasers of soybeans from the sale price thereof where such soybeans are purchased within the State. The deductions of

amount of assessments as herein required shall be deducted by the first purchaser from the grower of the soybeans. "First purchaser" means any person that buys soybeans from the grower in the first instance; or any lienholder or pledgee, public or private, or assignee of said lienholder, secured party or pledgee, who gains title to the soybeans from the grower as the result of exercising any legal rights by the lienholder, secured party, pledgee or assignee thereof, regardless of when the lien, security interest or pledge was created. First purchaser also includes any person, public or private, who acquires a lien or security interest or receives a pledge of the soybeans after said soybeans are harvested. On or before the tenth day of each calendar month all assessments so deducted by the first purchaser shall be remitted to the Commissioner of Agriculture and Industries, less three per cent thereof, which may be retained as compensation for the expense of collecting and remitting the assessment so deducted. The books and records of all such purchasers of soybeans subject to the deductions or assessments as levied hereunder shall at all times during regular business hours be open for inspection by the Commissioner of Agriculture and Industries or his duly authorized representatives or agents for the purpose of ascertaining the accuracy of amounts remitted hereunder. The Commissioner of Agriculture and Industries shall be entitled to deduct three per cent of all sums remitted to the Department of Agriculture and Industries under this Act to defray expenses incident to collection and administration thereof. The amount thus deducted by the Commissioner for expenses incident to the administration of this Act shall be paid into the State Treasury to the credit of the agricultural fund.

Section 13. ASSESSMENT FUNDS. — The Commissioner of Agriculture and Industries shall remit to the treasurer of the certified association all monies paid to or collected by him on a quarterly basis between the first and fifteenth of January, April, July and October of each year, less a commission of three per cent of the total amount so collected which commission shall be deposited in the agricultural fund of the State Treasury. The amount remitted to the treasurer of the certified association shall be used and expended by such association for a promotional program in the manner provided by this Act and the rules and regulations of the association.

Section 14. NON-PAYMENT OF ASSESSMENTS. — Any producer of soybeans against whom an assessment is made under authority of this Act may avoid payment of such assessment by filing a written notice in triplicate form with the sales market or purchaser of soybeans for each buyer to whom he sells in a given marketing season, which said form shall bear the date of sale, the total acres to be harvested, the signature,

address and telephone number of the seller. Such avoidance shall apply to all sales of such producer to such buyers after such notice for the balance of such marketing season. The marketing season shall begin July 1 of each year and end on June 30 of each year. The sales market or purchaser of such soybeans as shall be included in said notice shall not be caused to remit as to such purchase and sale, upon his filing with the Commissioner of Agriculture and Industries two copies of said notice furnished by the said seller.

Section 15. EXEMPTION. — The Provisions of this Act shall not apply to any person who purchases one thousand or less bushels of soybeans in any calendar year, nor shall the provisions of this Act apply to occasional sales between growers.

Section 16. REFUND RIGHTS. — Any producer of soybeans against whom any assessment is made and deducted under authority of this Act if dissatisfied with said assessment shall have the right to demand and receive from the treasurer of the certified association a refund of the amount of the assessment collected from such soybean producer, provided such demand for refund is made in writing within thirty days from the date on which such assessment was deducted from the sale price of soybeans sold by such soybean producer; provided, that application for refunds of amounts deducted from the sale price of any soybeans sold must give the name and address of the sale market or purchaser who bought the soybeans, date of purchase, invoice or weight ticket number, if any, and the amount of soybeans purchased from him for which the assessment was deducted. Within thirty days after the first quarterly receipt of funds from the Commissioner of Agriculture and Industries, and thereafter within thirty days after receipt of such application, the certified association shall, after such association determines that the assessment was paid as claimed in the application, refund the amount so paid as an assessment. The mailing by the association of a valid check in the amount of such assessment, payable to seller, within thirty days after receipt of the application for refund, shall constitute a compliance with this section.

Section 17. BOND REQUIRED. — Before any money is remitted by the Commissioner of Agriculture and Industries to the treasurer of an organization or association as authorized under the provisions of this Act, the treasurer of said organization shall furnish the Commissioner a bond approved by the Commissioner in the amount of not less than the estimated annual total amount of the assessments handled by such officer. The surety on said bond shall be corporate surety company duly qualified and licensed to do business in Alabama and said bond shall be conditioned upon the faithful handling, proper

accounting and properly authorized expenditure of all funds received and disbursed by the principal named in said bond.

Section 18. EXPENDITURE OF ASSESSMENTS. — The funds derived from any assessments levied upon the sale of soybeans as authorized under this Act shall be used and expended by the certified association after such funds are remitted to it by the Commissioner of Agriculture and Industries for the purpose of promoting and stimulating by advertising and other methods the increased use and sale of soybeans and soybean products. Any funds expended by the certified association not authorized by the promotional program previously approved shall be deemed as an unauthorized and illegal expenditure of such funds. All funds approved by the certified association for expenditure as required hereunder by any certified association for an approved promotional program for the soybean industry as authorized under this Act are hereby appropriated for disbursement and expenditure by said certified associations to carry out any such approved promotional program or programs, and it shall not be necessary for the Legislature to make any specific or general appropriation for such disbursements or expenditures nor shall such disbursements and expenditures be subject to the budget and allotment requirements of Title 55, Chapter 4, Article 3, Code of Alabama, and such disbursements and expenditures shall not be restricted or subject to any other requirements for any general or special appropriations.

Section 19. JOINT PROGRAMS WITH OTHER STATES. — Any certified association may enter into agreements with like associations, commissions, or other agencies of other states for the purpose of conducting a similar agricultural commodities promotional program jointly with such associations, commissions or other agencies in other states, and such certified association shall be authorized to contribute a proportionate share of the cost and expense necessary for such a program.

Section 20. EXAMINATION AND AUDIT. — The approved and certified association receiving and disbursing funds as herein authorized shall within sixty days following the end of each calendar year, or within a period of sixty days following the close of their fiscal year, cause an audit of their books and accounts to be conducted by a certified public accountant disclosing receipts, disbursements, expenditures and other information pertinent thereto and a copy thereof shall be forwarded to the State Board of Agriculture and Industries for inspection and review. The examiner of public accounts of the Department of Examiners of Public Accounts of the State of Alabama shall be authorized to audit, review and otherwise investigate the receipts and disbursements of such funds in the same manner that such duties are performed for examination

and audits of agencies and departments of the State of Alabama. An examination or audit as herein required to be made and submitted to the State Board of Agriculture and Industries shall be open to public inspection. Within ninety days following the close of a certified association's fiscal year, if it has received any funds from assessments levied and collected pursuant to this Act, such association shall publish a duly verified statement in the publication of the certified association showing the amount so received and collected and the amount or amounts spent for each project and item.

Section 21. RULES AND REGULATIONS. — The State Board of Agriculture and Industries is hereby authorized and empowered to adopt and promulgate rules and regulations to carry out the evident intent and purpose of this Act which shall include the rules and regulations governing the holding of referendums as adopted by the certified association, the collection, deposit, handling, withdrawal and disbursement of assessments collected hereunder, and such other reasonable rules and regulations as may be necessary to effectuate the evident intent and purposes of this Act. The certified association authorized to conduct a promotional program as authorized under this Act shall have a right to recommend such rules and regulations to the State Board of Agriculture and Industries and upon receipt of such recommended rules and regulations said Board shall meet within a period of not more than ninety days to consider their adoption. The certified association shall be given at least ten days' notice in writing of any such meeting held for the purpose of adopting rules and regulations as authorized hereunder.

Section 22.—DUTIES OF COMMISSIONER: REVOCATION OF CERTIFICATION.—It shall be the duty of the Commissioner of Agriculture and Industries through the facilities of the Department of Agriculture and Industries to enforce and collect the assessment charges levied upon the sale of agricultural commodities as set forth under the provisions of this Act and to enforce the rules and regulations of the State Board of Agriculture and Industries relative thereto. The State Board of Agriculture and Industries shall have authority at any time to revoke or cancel any approval or certification of an association in the event it finds that such association is not carrying out its promotional program in accordance with the provisions of this Act and rules and regulations promulgated thereunder. Before any certification may be revoked the certified organization shall be given notice and an opportunity to be heard by the State Board of Agriculture and Industries upon the question of whether its certification should be revoked.

Section 23. PERMIT REQUIRED OF SOYBEAN BUYERS.—Any individual, partnership, corporation, association or other business unit which buys soybeans in Alabama from the producer thereof shall, in the event assessments are required to be deducted from the purchase price of such soybeans under the provisions of this Act, obtain from the Commissioner of Agriculture and Industries an annual permit which shall authorize such individual or business firm to engage in the business of buying soybeans in Alabama. The permit required hereunder shall expire on June 30, the end of the year for which it is issued and shall be renewable as of July 1 unless revoked by the Commissioner for failure to comply with the provisions of this Act. The application for the annual permit as required hereunder shall be accompanied by a fee of Five Dollars (\$5.00) which shall be deposited by the Commissioner in the State Treasury to the credit of the agricultural fund. The permit shall be conditioned upon compliance with the provisions of this Act and rules and regulations duly adopted for carrying out the requirements of this Act relative to the deduction and remittance of assessments by individuals or business firms buying soybeans in Alabama whether such individuals or business firms are domiciled in Alabama or another State.

Section 24. PENALTY.—(a) Any dealer, handler, processor, or other purchaser of soybeans who willfully fails or refuses to deduct and pay to the Commissioner of Agriculture and Industries any assessment required to be so deducted and remitted to the Commissioner or who fails or refuses to obtain a permit authorizing the purchase of soybeans in Alabama shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$500.00 and within the discretion of the Court, may also be imprisoned for a term not to exceed six months. Any purchaser of soybeans who fails or refuses to allow the Commissioner of Agriculture and Industries or his authorized agents and employees to inspect and review his books and records which disclose his purchases of soybeans for the purpose of ascertaining accuracy of amounts deducted and remitted as required under this Act shall also be guilty of a misdemeanor and upon conviction shall be punished as hereinabove provided.

(b) **Remedy by Injunction.** — In addition to the above penalty and notwithstanding the existence of an adequate remedy at law, the circuit court, in equity, or other court of like jurisdiction or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from buying soybeans in Alabama without having a valid permit as required under this Act or after such a permit has been revoked or from violating any other provisions and requirements of this Act.

Bills in equity for injunctive relief as authorized hereunder shall be filed in the name of the Commissioner of Agriculture and Industries in the circuit court or other court of like jurisdiction in the county of residence of the person who buys soybeans in violation of the provisions of this Act or in the county where such violation occurs. Any restraining order of injunction issued hereunder shall be issued without a bond.

Section 25. SEVERABILITY.—The provisions of this Act are severable if any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 26. REPEAL OF CONFLICTING LAWS. — All laws and parts of laws in conflict with this Act are hereby expressly repealed.

Section 27. EFFECTIVE DATE. — This Act shall become effective on the date upon which the Governor issues a proclamation that the constitutional amendment authorizing the Legislature to provide for the promotion of the soybean industry has been adopted.

Approved August 11, 1971

Time: 12:35 P.M.

Act No. 228

H. 8—Hardin

AN ACT

To further amend the title and Section 1 of Act No. 171, H. 223, Special Session 1961, approved September 15, 1961, as last amended, in relation to expense allowances of members of the county governing body of all counties having a population of not less than 24,525 nor more than 24,675.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 171, H. 223, Special Session 1961, approved September 15, 1961, as last amended, is hereby further amended so as to read as follows:

“An Act to provide an additional expense allowance to members of the court of county commissioners, board of revenue or other like governing body of all counties having a population of not less than 22,000 nor more than 22,500 according to the last federal decennial census.”

Section 2. Section 1 of said Act No. 171, H. 223, Special Session 1961, as last amended, is hereby amended to read as follows:

"Section 1. The members of the court of county commissioners, board of revenue or other like governing body of all counties in the state having a population of not less than 22,000 nor more than 22,500 inhabitants, according to the last federal decennial census, shall be allowed an amount not exceeding \$200.00 (two hundred dollars) per month in addition to all other expenses now allowed by local or general laws to cover the expenses incurred by them in the performance of their duties as members of such governing body, to be paid by warrant drawn on the gasoline fund of the county, provided, that the exact amount of such allowances shall be fixed or set only by resolution of the county governing body unanimously approved by all members of the body and the chairman or president."

Section 3. This Act shall become effective September 1, 1971 and the entire Act No. 171, H. 223, Special Session 1961, as last amended shall expire on the first Monday after the second Tuesday in January, 1973.

Approved August 11, 1971

Time: 12:36 P.M.

Act No. 229

H. 21—Stewart, Merrill, Burgess

AN ACT

To amend Section 29, Title 46, Code of Alabama, 1940, as amended, relating to the admission fee paid by applicants for admission to the State Bar.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29, Title 46, Code of Alabama, 1940, as amended, is further amended to read as follows:

"Section 29. Applicants for admission to the bar not required by law to take an examination shall pay a fee to be set by the board of commissioners but not to exceed one-hundred dollars (\$100.00); applicants for admission who are bona fide residents of the State of Alabama who are required to be examined by the board of bar examiners shall pay a fee to be determined by the board of commissioners not to exceed one-hundred dollars (\$100.00), and applicants for admission who are not bona fide residents of the state of Alabama who are required to be examined by the board of bar examiners shall pay the same fee set for residence examinees, plus an additional sum of one hundred and fifty dollars (\$150.00); and said fees shall become a part of the separate fund provided for in the succeeding section. Such fees shall be paid to the treasurer and

the treasurer's receipt therefor shall be filed with the application."

Section 2. This act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming law.

Approved August 11, 1971

Time: 12:37 P.M.

Act No. 230

H. 65—Erdreich, Boutwell

AN ACT

To further regulate corporations of the type commonly known as 'private foundations' so as to conform the operations thereof to the applicable provisions of the United States Internal Revenue Code of 1954 as amended by said Tax Reform Act of 1969, and to repeal that portion of any laws of this State in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Private Foundations — Federal Tax Laws.

Notwithstanding any provision to the contrary in the articles of incorporation or other governing instrument or under any other law of this state, and except as otherwise provided by court decree or by a provision in the articles of incorporation or other governing instrument, which in either case is entered or made after the effective date of this Act and expressly limits the applicability of this Act, a corporation which is, or is treated as, a private foundation, as defined in Section 509 of the Internal Revenue Code of 1954, during the period it is, or is treated as, a private foundation: (a) shall not engage in any act of self-dealing as defined in Section 4941 (d) thereof; (b) shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 thereof; (c) shall not, if Section 4943 thereof is applicable, retain any excess business holdings as defined in Subsection (c) of that Section beyond the period permitted by that Section; (d) shall not make any investment in such manner as to subject it to tax under Section 4944 thereof; and (e) shall not make any taxable expenditures as defined in Section 4945 (d) thereof.

Section 2. Rights and Powers of Courts or Attorney General.

Nothing in this Act shall impair the rights and powers of the courts or the Attorney General of this state with respect to any corporation described in Section 1.

Section 3. Future Provisions of Internal Revenue Laws.

All references to sections of the Internal Revenue Code of 1954 shall include future amendments to such sections and corresponding provisions of future Internal Revenue Laws.

Section 4. Severability.

If any provision of this Act or the application thereof under any set of facts or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 5. Repeal of Inconsistent Laws.

All laws or parts of laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971

Time: 12:38 P.M.

Act No. 231

H. 66—Erdreich, Boutwell

AN ACT

To further regulate certain trusts in the nature of private foundations or split interest trusts as these terms are employed in the Act of Congress known as the Tax Reform Act of 1969 so as to conform the operations thereof to the applicable provisions of the United States Internal Revenue Code of 1954 as amended by said Tax Reform Act of 1969, and to repeal that portion of any laws of this State in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. CHARITABLE TRUSTS — FEDERAL TAX LAWS. (1) Notwithstanding any provision to the contrary in the governing instrument or under any other law of this state, and except as otherwise provided by court decree or by a provision of the governing instrument, which in either case is entered or made after the effective date of this Act and expressly limits the applicability of this Act, the trustee of a trust, whenever created, which is, or is treated as, a private foundation or a split-interest trust as defined in Sections 509 and 4947, respectively, of the Internal Revenue Code of 1954, during the

period it is, or is treated as, a private foundation or split-interest as so defined:

(a) shall not engaged in any act of self-dealing as defined in Section 4941(d) thereof;

(b) shall distribute the trust income for each taxable year at such time and in such manner as not to subject the trust to the tax on undistributed income imposed by Section 4942 thereof;

(c) shall not, if Section 4943 thereof is applicable, retain any excess business holdings as defined in Subsection (c) of that Section beyond the period permitted by that Section.

(d) shall not make any investment in such manner as to subject the trust to tax under Section 4944 thereof; and

(e) shall not make any taxable expenditure as defined in Section 4945(f) thereof.

(2) The trustee of a trust, whenever created, which is, or is treated as, a private foundation or a split-interest trust as defined in Sections 509 and 4947, respectively, of the Internal Revenue Code of 1954, may amend the terms of the governing instrument to the extent necessary to bring the trust into conformity with the requirements for: (a) termination of private foundation status in the manner described in Section 507(b) thereof; (b) exemption of the trust from the taxes imposed by Sections 4941 and 4945, inclusive, thereof, including the addition of a power to invade principal to the extent necessary to meet the requirements of Section 4942; or (c) exclusion of the trust from private foundation status under Section 509(a) thereof, and for this latter purpose may release any power contained in the governing instrument, may reduce or limit the charitable organizations or classes of charitable organizations in whose favor a power to select may be exercised and may appoint new or additional trustees. If the trust is for the benefit of one or more named charitable organizations, the trustee shall first obtain the written consent of those organizations before making any amendment under subparagraph (c).

Section 2. RIGHTS AND POWERS OF COURTS OR ATTORNEY GENERAL.

Nothing in this Act shall impair the rights and powers of the courts or the Attorney General of this state with respect to any trust.

Section 3. FUTURE PROVISIONS OF INTERNAL REVENUE LAWS.

All references to sections of the Internal Revenue Code of 1954 shall include future amendments to such sections and corresponding provisions of future Internal Revenue laws.

Section 4. SEVERABILITY.

If any provision of this Act or the application thereof under any set of facts or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 5. REPEAL OF INCONSISTENT LAWS.

All laws or parts of laws in conflict with the provisions of this Act, to the extent of such conflict, hereby repealed.

Section 6. EFFECTIVE DATE.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971

Time: 12:40 P.M.

Act No. 232

H. 115—Lutz, Grainger

AN ACT

To amend Section 1 and 2 of Title 27, Code of Alabama 1940, so as to require under certain conditions that a birth certificate shall accompany a petition for adoption, and so as to relieve the Department of Pensions and Security of certain responsibilities in relation to stepparent and other relative adoptions, and to amend Act No. 294, page 2351, and Act No. 297, page 2357, Acts of Alabama 1961, to so relieve said Department.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Title 27 is hereby amended to read as follows:

“Section 1. **Petition for adoption of minor child.** Any proper adult person, or husband and wife jointly, may petition the probate court of the county in which he or they have a legal residence, or of the county in which the child resides, or of the county in which the child had legal residence when it became a public charge, or of the county in which is located any agency or institution operating under the laws of this state, having guardianship and custody of the child, for leave to adopt a child and for a change of the name of such child. Such petition for adoption shall be accompanied by an official copy of the certificate of birth of the child and shall specify the name, age and place of residence of the child and the name, age and place of residence of the petitioner, and the name by which the child

shall be known; whether such child is possessed of any property, and the full description of the property, if any; whether the child has one or both parents living; in case one or both are alive, then the name or names and place or places of residence of such father and mother shall be shown unless proven to be unknown to the petitioner; provided, that if such child sought to be adopted is, by previous order of a juvenile court, or a court of like jurisdiction under the legal guardianship and permanent custody of the State Department of Pensions and Security or of an institution or agency licensed by the said Department for the care of children, then the names of parents may be omitted from such petition, in which case the court shall cause such allegation and the petition to be verified. In such cases the copy of the certificate of the birth of the child shall not be required.

Section 2. Section 2 of Title 27 is hereby amended to read as follows:

“Section 2. Investigation by State Department of Pensions and Security, or its duly authorized agents; hearing of petition.—Upon the filing of a petition for the adoption of a minor child a copy of such petition, together with a statement containing the full names and permanent address of the child and the petitioners and the relationships, if any, of the child to the petitioner(s) shall be served by the court receiving petition within five days on the State Department of Pensions and Security by registered mail or personal service. Except as herein-after provided, it shall then be the duty of the said Department through its own agents, or through such other agencies and institutions licensed by the Department for the care and placement of children, or through the director of the county department of pensions and security of the county of the court hearing the petition to verify the allegations of the petition, to make a thorough investigation of the matter and to report its findings in writing to the court. The report shall show among other things: Why the natural parents, if living, desire to be relieved of the care, support and guardianship of such child; whether the natural parents have abandoned such child or are morally unfit to have its custody; whether the proposed foster parent or parents, is or are financially able and morally fit to have the care, supervision and training of such child; the physical condition and also the mental condition of such child insofar as this can be determined. Provided that the Department of Pensions and Security is no longer required to investigate petitions of stepfathers, stepmothers, or those closely related persons enumerated in Act No. 297, Special Session 1961, page 2357, or report to the Court on those petitions. Upon the day so appointed the court shall proceed to a full hearing of the petition and the

examination of the parties in interest, under oath, with the right of adjourning the hearing and examination from time to time as the nature of the case may require. If the report of the State Department of Pensions and Security or its duly authorized agents, as provided herein, disapproves of the adoption of the child, motion may be made to the court to dismiss the petition."

Section 3. Section 1 of Act No. 294, Special Session 1961, is hereby amended to read as follows:

"Except as provided in Section 1 of this Act, if the court is satisfied that the natural parents have just cause for desiring to be relieved of the care, support and guardianship of said child, or have abandoned the child, or are morally unfit to retain its custody, that the petitioning foster-parent or parents is or are financially able and morally fit to have the care, supervision and training of such child; that such child is suitable for adoption in a private family home, and that such change of name and guardianship is for the best interest of such child, it shall make an interlocutory order setting forth the facts and declaring that from the date of the final order of adoption in such case, if such final order be afterwards entered, as hereinafter provided, such child, to all legal intents and purposes, will be the child of the petitioner or petitioners and that its name may be thereby changed. Except as provided in Section 1 of this Act, such final order of adoption shall not be granted until the child shall have lived for six months in the home of the petitioner subsequent to the issuance of the interlocutory order and shall have been visited during the said period at least two times by an agent of the State Department of Pensions and Security or its duly authorized agents as provided herein. At any time before the entry of such final order of adoption, the court may revoke its interlocutory order for good cause, either of its own motion or on the motion of the said Department or its duly authorized agents as provided herein, or on the motion of the natural parent or parents of such child, the original petitioner or petitioners, but no such revocation shall be entered unless ten days notice in writing shall have been given to the original petitioner or petitioners (unless he or they make the motion), or unless the original petitioner or petitioners shall have been given an opportunity to be heard. Within ten (10) days of the entry of the final order of adoption the judge or the clerk of the court shall send a copy of the final order to the State Department of Pensions and Security, and shall send a certificate of the final order of adoption to the state registrar of vital statistics of the department of public health upon the form supplied by the state registrar for that purpose. Upon receipt of copy of any final order of adoption the state registrar of vital statistics shall cause to be made a new record of the birth in the new name, and with

the name or names of the adopting parent or parents as contained in the final decree. He shall then cause to be sealed and filed the original certificate of birth with the decree of the court and such sealed package shall be opened only upon the demand of said child when he has attained his majority or adopting parents or by the order of a court of record."

Section 4. Section 1 of Act No. 297, Special Session 1961, page 2357, is hereby amended to read as follows:

Adoption by stepfather or stepmother or closely related persons. — Where a man marries the mother of a minor child or children or a woman marries the father of a minor child or children, and they reside together in one domicile, he or she may petition the probate court of his or her county or residence for leave to adopt such minor child or children and if desired, for a change of the name or names of such minor child or children, but no such adoption shall be permitted without the consent of the natural parent or parents having custody of said child or children. The same procedure shall be followed as in adopting a child other than a stepchild except that if the court determines that the said child or children has or have resided in the home of the stepparent for a period of six months or more, the court, may within its discretion, if it appears that the adoption is likely to be successful and is for the best interests of the child or children, immediately enter the final order of adoption, which decree of adoption shall not deprive the natural parent, who resides in the same domicile with the petitioner, of any of the legal rights and obligations due from them to the child or from the child to them. A grandfather, a grandmother, a brother, a half-brother, a sister, a half-sister, an aunt or an uncle and their spouses, if there be any, may petition the probate court of his or her county of residence for leave to adopt a minor grandchild, a minor brother, a minor half-brother, a minor sister, a minor half-sister, a minor nephew or a minor niece, and if desired, for a change of the name or names of such minor child or children, but no such adoption shall be permitted without the consent of the natural parent or parents except as provided in Section 3 of Title 27, Code of Alabama 1940. The same procedure shall be followed as in adopting a child other than a child of the degree of relationship described above, except that if the court determines that the said child or children has or have resided in the home of the grandfather, grandmother, brother, half-brother, sister, half-sister, aunt or uncle, and their spouses, if there be any, for a period of one year or more, the court may, within its discretion, if it appears that the adoption is likely to be successful and is for the best interests of the child or children, immediately enter the final order of adoption."

Section 5. All other laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 6. The provisions of this Act shall apply to all adoption petitions now pending and all filed hereafter.

Section 7. The provisions of this Act are severable. If any part is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 12:42 P.M.

Act No. 233 H. 138—Wood, Lyons, Perloff, Stokes, Roberts, Therrell, Collins, Hardin, Bassett, Benton, Erdreich, Cherner, Grainger, Agee, Gafford, Lang, Taylor, Harris, Barkett, Easters, Carter, Crowe, Naramore, Hobbie, Callahan, Warren, Edwards, Wise, Timmons, Stewart

AN ACT

To amend Code of Alabama 1940, Title 8, Section 85 relating to birds that may be killed at any time.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 8, Section 85 relating to birds that may be killed at any time is hereby amended to read as follows:

“Section 85. Enumeration of birds not protected.—English sparrows, crows and starlings are not protected by the game laws of this state and may be killed at any time.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971

Time: 12:43 P.M.

Act No. 234

H. 173—Jones (F)

AN ACT

To make an additional appropriation from the General Fund in the State treasury to the Governor's Commission on Drug Abuse.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$5,000.00 or so much thereof as may be necessary, is hereby appropriated from the General Fund in the State treasury not otherwise appropriated, for the fiscal year ending September 30, 1971, to the Governor's Commission on Drug Abuse. The appropriation herein made shall be in addition to all other appropriations heretofore made by law for this purpose.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971

Time: 12:44 P.M.

Act No. 235

H. 200—Headley, Stubbs

AN ACT

To allow certain County Engineers, who have heretofore participated in the Employees Retirement System of Alabama only to the extent of Highway Department participation in their salaries, to receive full prior service and membership service credits provided the counties employing such County Engineers agree to and provide the funds necessary for such additional participation under such rules and regulations as the Board of Control of the Employees' Retirement System of Alabama may prescribe.

Be It Enacted by the Legislature of Alabama:

Section 1. Any County Engineer participating in the Employees' Retirement System of Alabama under the provisions of Act No. 683 of the 1965 Legislature whose County is now covering its employees in the Employees' Retirement System of Alabama may receive full credits for prior service and membership service in that county provided he pays to the Employees' Retirement System of Alabama the contributions he would have made plus regular interest from the date of participation by the County had he been allowed to do so; and provided the Employing County agrees to pay the Employer's normal and accrued liability costs for such prior service and membership service which it allows to such County Engineers. Such additional accrued liability for such service allowed by the County shall be determined by the Actuary of the Employees' Retirement System of Alabama and shall be included in the next valuation of the Retirement System liabilities and shall be a charge to the County allowing service under this Act. Contributions plus regular interest by the Employee shall be made no later than March 31, 1972.

Section 2. After the effective date of this Act any person employed as a County Engineer in the future, whose County covers its employees in the Employees' Retirement System of Alabama, shall be covered in the same manner as other employees of the County and to this extent the provisions of Act No. 683 of the 1965 Legislature shall not apply.

Section 3. The Board of Control of the Employees' Retirement System of Alabama shall administer the provisions of this Act and shall make such rules and regulations as necessary in carrying out its provisions.

Section 4. This Act shall take effect October 1, 1971.

Approved August 11, 1971

Time: 12:46 P.M.

Act No. 236

H. 217—Cross, Carter

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 27,000 nor more than 27,900 according to the most recent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution, and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 27,000 nor more than 27,900 according to the most recent federal decennial census.

Section 2. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in any county to which this Act applies on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 3. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly

defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 4. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 5. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 6. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or

otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 7. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 8. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 6 hereof shall be determined.

Section 9. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 10. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 11. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provisions of this

Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 12:48 P.M.

Act No. 237

H. 225—Fite

AN ACT

Relating to Marion County, Alabama, providing for a secretary-stenographer for the Courts of such county, prescribing the means of appointment, the duties and compensation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to Marion County, Alabama.

Section 2. The Register of the Circuit Court in Marion County, Alabama, shall appoint a qualified person to serve as secretary-stenographer to and for the Courts in Marion County, and shall with the approval of the governing body of such county, fix the compensation therefor, which shall not exceed \$3,600.00 per annum. The governing body shall pay such compensation out of the general funds of the county in like manner as the other county employees are paid.

Section 3. Such secretary-stenographer shall serve at the pleasure of the Register, and shall perform stenographic, secretarial and clerical work as may be prescribed by the judges, clerks and Registers of the Courts.

Section 4. This Act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 12:50 P.M.

Act No. 238

H. 227—Fite

AN ACT

Relating to Marion County; providing an additional expense allowance for the members of the governing body of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and each member of the board of revenue, county commission, or other like governing body of Marion County shall be entitled to receive an expense allowance of \$100.00 per month. Such allowance shall be paid from the Road and Bridge fund of the county and shall be in addition to any other allowance or compensation now provided by law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 12:52 P.M.

Act No. 239

H. 251—Fite

AN ACT

To provide that school bus drivers in counties having a population of not less than 16,600 nor more than 16,950, according to the most recent federal decennial census, shall not be required to meet any minimum age requirements so long as they are duly licensed drivers and meet all other requirements of general law.

Be It Enacted by the Legislature of Alabama:

Section 1. No school bus driver in any county having a population of not less than 16,600 nor more than 16,950, according to the most recent federal decennial census, shall be required by local law or otherwise to meet any minimum age requirement so long as he possesses a valid driver's license issued by the State of Alabama and meets all other requirements and passes all tests required by state law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 12:54 P.M.

Act No. 240

H. 286—Smith (P), Turnham

AN ACT

To authorize and provide for the promotion of the production, marketing, use and sale of milk and milk products by research, education, advertising and other methods; prescribing a method whereby milk producers may act jointly with distributors, producer-distributors, processors, and handlers of milk, the State Board of Agriculture and Industries and others for such a promotional program; to provide that milk producers may by referendum levy upon themselves monetary assessments for financing a promotional program and provisions for the collection, disbursement and expenditure of funds collected therefrom, the regulations, requirements and authority relative thereto; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries relating to such a promotional program; and providing for the administration thereof by a non-profit association; providing for the collection of assessments by distributors, producer-distributors, processors and handlers of milk; providing for refunds of assessments to producers not desiring to participate in the promotional program; and for the adoption of administrative rules and regulations, other administrative, enforcement and penalty provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. PURPOSE AND INTENT.—It is hereby declared to be in the interest of the public welfare that Alabama farmers who are producers of milk shall be authorized and encouraged to act jointly in cooperation with all milk producers, and with distributors, processors, handlers, and others who purchase or otherwise acquire milk for sale and with the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries in promoting and stimulating by advertising, research, education and other methods, the increased and more efficient and economical production, use and marketing of milk and milk products. Accordingly, the intent and purpose of this Act is to authorize and provide a method and procedure for a promotional program for the segment of agriculture in Alabama engaged in the production and sale of milk and milk products and the financing thereof pursuant to authority of the amendment to the State Constitution which expressly authorizes such activity.

Section 2. DEFINITIONS.—As used in this Act, the following words and terms shall mean, unless the context clearly indicates a different meaning:

(a) "Person" means any individual, corporation, partnership, association, cooperative or other business entity.

(b) "Milk" means milk from cows which is produced and handled under requirements of the State Board of Health for Grade "A" milk.

(c) "Producer" means any person who produces milk or cream from cows and thereafter causes the same to be marketed in bulk or otherwise as Grade "A" milk, cream or other dairy products.

(d) "Distributor" means any person who purchases, accepts, receives or otherwise acquires milk in bulk from a milk producer for the purpose of processing such milk for sale as fluid milk, cream, buttermilk, flavored milk, skim milk, ice cream or other dairy products.

(e) "Producer-distributor" means any distributor who processes and markets milk of his own production as a distributor, as above defined, which shall also include any milk purchased, accepted, received or otherwise acquired from other producers, distributors, handlers or dealers.

(f) "Handler" or "dealer" means any person who purchases or accepts or receives on consignment or otherwise, milk in bulk from milk producers for the sale, shipment, storage or processing of such milk.

Section 3. NOT IN RESTRAINT OF TRADE.—No association, meeting or activity undertaken in pursuance of the provisions of this Act intended to benefit dairy farmers and the milk industry shall be deemed or considered as illegal or in restraint of trade.

Section 4. REFERENDUM AND ASSESSMENTS BENEFICIAL.—It is hereby further declared to be in the public interest and advantageous to the economy of the State of Alabama that farmers who produce milk be permitted by referendum as hereinafter provided to levy upon themselves monetary assessments, and to provide for the collection thereof for the financing or contributing toward the financing of a program of research, education, advertising and other promotional methods designed to increase or promote the efficient and economical production, distribution and marketing as well as the increased use, consumption and sale of milk and milk products.

Section 5. APPLICATION TO CONDUCT REFERENDUM.—Any non-profit association of producers of Grade "A" milk in Alabama organized for the benefit and betterment of the dairy industry whose sole purpose is to conduct programs of

advertising, public relations, research, education and similar activities designed to increase the sale, use and consumption of milk and milk products may, at any time after this Act becomes effective, make application to the State Board of Agriculture and Industries for certification and approval for the purpose of conducting a referendum among producers of milk in the State of Alabama upon the question of levying an assessment, collecting, expending and utilizing same for the purpose or purposes authorized under this Act and as stated in such referendum. Any non-profit association approved or certified hereunder by the State Board of Agriculture and Industries shall be authorized to execute or carry out such a promotional program within the limits prescribed by this Act.

Section 6. ACTION BY BOARD ON APPLICATION.—Upon the filing of an application with the State Board of Agriculture and Industries by any non-profit association composed of producers of milk, as authorized under Section 4 hereof, the said Board shall within thirty days thereafter meet and consider such application. If it is shown by the applicant to the satisfaction of the Board that the applicant is fairly and substantially representative of milk producers in this State for the purposes of this Act and shall otherwise find and determine that such application is in conformity with the provisions and purposes of this Act, then, and in such an event, the Board shall certify such association as the duly delegated and authorized group or organization and shall likewise certify that such organization is duly authorized to conduct a referendum among the producers of milk in this State for the purpose set forth in its application which shall be consistent with the purposes of this Act.

Section 7. REFERENDUM BY CERTIFIED ASSOCIATION.—Upon being so certified by the State Board of Agriculture and Industries, such organization shall thereupon be fully authorized and empowered to hold and conduct among the producers of milk in Alabama a referendum wherein such producers shall be entitled to vote on the question of whether or not an assessment shall be levied upon themselves for the purposes stated in this Act. Such referendum shall be conducted on a state-wide basis. The amount of any assessment to be levied hereunder shall not exceed two per cent (2%) of the gross sale price of milk sold by a producer. The exact amount of the assessment shall be fixed by the certified association subject to approval of the State Board of Agriculture and Industries.

Section 8. CONDUCT OF REFERENDUM.—The arrangements for and the manner, conduct and management of the referendum shall be conducted by the organization certified by

the State Board of Agriculture and Industries to hold same, and such organization shall furnish all necessary ballots and arrange for the necessary poll holders. All expense and costs necessary for such a referendum shall be borne by such organization.

Section 9. NOTICE OF REFERENDUM.—Before any referendum is conducted hereunder the duly certified organization shall, not less than thirty days prior to the date of the referendum publicly announce that such a referendum will be held. The certified association shall not less than fifteen days prior to the date of the referendum also give adequate notice of the date, hours, polling places and rules for voting in the referendum, area covered by the referendum, the amount and basis of the assessment proposed to be collected, the period of time during which such assessment will be collected, the means by which the assessments shall be collected and the general purposes to which amounts thus collected will be expended and applied. Such announcement and notice shall also be published by the certified organization through the medium of its trade publication, with the written notice thereof being given to each county extension chairman and every producer of Grade "A" milk subject to the assessment proposed to be levied under the referendum shall be given a notice by mail properly addressed to such producer.

Section 10. ELIGIBILITY TO VOTE IN REFERENDUM.—Any referendum conducted hereunder shall be held on a state-wide basis pursuant to the requirements of this Act and in accordance with rules and regulations adopted for conducting such a referendum. All milk producers who shall be subject to any assessment levied hereunder shall be entitled to vote therein. In such referendum, producers of Grade "A" milk eligible for participation therein shall be entitled to vote upon the question of whether there shall be levied an assessment for a period and in an amount set forth in the call for the referendum, which period of time and the amount shall not exceed the limitations prescribed by this Act. Voting shall be by secret ballot. In the event the required number of milk producers shall vote in favor of levying and collecting the assessment, as herein authorized, the period of time during which such assessments shall be collected shall not exceed five years or a shorter period with the exact period of time to be determined prior to the referendum by the certified association with the approval of the State Board of Agriculture and Industries.

Section 11. MAJORITY VOTE REQUIRED.—If in such referendum a majority of the milk producers eligible to participate and voting therein shall vote in the affirmative and in favor of levying and collecting the assessment proposed in the referen-

dum, then such assessment shall be levied and collected in the manner hereinafter provided. A majority (simple majority) of the eligible voters who actually vote in the referendum shall be the number required for the levying of assessments for a promotional program as authorized under this Act. Following the referendum and within ten days thereafter the certified association shall canvass, tabulate and publicly declare and announce the results thereof. The results of the referendum shall also be certified to the Commissioner of Agriculture and Industries.

Section 12. SUBSEQUENT REFERENDUMS.—In the event any such referendum conducted as hereinabove provided shall fail to receive a majority of affirmative votes from milk producers voting therein, then the certified association conducting the referendum shall be authorized to call another referendum for the purposes herein set forth during the next succeeding year, on the question of an assessment and promotional program for the period authorized by this Act, provided no such referendum shall be held within a period of twelve months following the date on which the last referendum was held. In the event such referendum is carried or favored by the required number of eligible voters participating therein and assessments in pursuance thereof are levied as set forth in the call for the referendum, the period of time during which such assessments shall be levied and collected shall be for a period of not more than five (5) years or for a shorter period as set forth in the call for the referendum. If such a referendum is carried or favored by the required number of producers of milk voting therein and assessments are levied in pursuance thereof, then the certified organization conducting such a referendum shall have full power and authority to call and conduct during, or after, the last year of such period another referendum in which milk producers may vote upon the question of whether or not such assessments shall be continued, renewed, increased or decreased, for another period of time as authorized under the provisions of this Act. The amount of the assessment as stated in a referendum shall not be increased or decreased from the amount approved in any referendum and shall continue at such amount until a subsequent referendum is conducted among producers of milk. Subsequent referendums as authorized hereunder shall be subject to all of the requirements of an original referendum conducted under the provisions of this Act.

Section 13. COLLECTION OF ASSESSMENTS.—In the event a majority of milk producers voting in the referendum approve the levying of an assessment upon the sale of milk for a promotional program, the Commissioner of Agriculture and Industries shall, within thirty days following the date on which

the results of the referendum are certified to him, notify in writing by registered or certified mail every person engaged in the business of purchasing or otherwise acquiring milk from producers as distributors, producer-distributors, processors, handlers or dealers of milk that on or after the date designated in such notice, which shall not be less than thirty nor more than sixty days after the mailing of such notices by the Commissioner, that the amount of the assessment levied pursuant to such referendum shall be deducted by all such purchasers of milk from the purchase price paid to producers of milk, where such milk is produced in the State of Alabama. Such assessments, so deducted, shall not later than the twenty-fifth day of the month following the end of the month in which the milk is purchased be remitted by all such purchasers to the certified association as hereinafter provided. The books and records relating to purchases of milk of all such purchasers required to deduct the assessments as levied hereunder shall at all reasonable times during regular business hours be open for inspection by the Commissioner of Agriculture and Industries, or his duly authorized agents for the purpose of ascertaining the accuracy of amounts deducted and remitted hereunder. Any distributor, producer-distributor, processor, handler or dealer or other purchaser of milk located in the State of Alabama who purchases milk directly from producers located outside of the State of Alabama shall be required to comply with the provisions and requirements of this Section only with respect to milk produced in the State of Alabama; provided, that nothing herein shall be construed to prohibit any such purchaser of milk from deducting any assessment levied hereunder upon purchases of milk produced in another state where the producer thereof voluntarily agrees to such a deduction. Provided, further, that any distributor, producer-distributor, handler, processor, or other purchaser of milk located in another state who purchases milk produced in Alabama directly from the producer thereof may be required to deduct any assessments levied hereunder only with respect to milk produced in the State of Alabama. Any new producer who was not engaged in producing milk at the time a referendum was conducted under authority of this Act, shall be subject to the requirements of this Section concerning deductions of the assessment from the purchase price of milk.

Section 14. BOND REQUIRED.—Before any money is remitted to the certified association, as required under the provisions of this Act, the secretary, treasurer, manager or other person or persons who handle the receipt and disbursement of funds for said organization shall file with the Commissioner a bond in an amount approved by the Commissioner. The surety of said bond shall be a corporate surety company qualified to do business in Alabama and said bond shall be conditioned upon

the faithful handling, proper accounting and properly authorized expenditure of funds received and disbursed by the principal named in said bond.

Section 15. EXPENDITURE OF ASSESSMENTS; RESEARCH, EDUCATION, ADVERTISING.—The funds derived from assessments levied upon the sale of milk as authorized under this Act shall be used and expended by the certified association for the purpose of promoting and stimulating by advertising, public relations and other methods the increased use and sale of milk and milk products. Such funds may also be used for the financing or contributing toward the financing of research, experimental and educational programs for the efficient and economical production, distribution, processing, use and marketing of milk and milk products. The certified association may enter into cooperative agreements with appropriate agencies of any public or private institutions or other organizations that conduct programs and engage in similar activities as authorized under this Act and funds derived from assessments to the extent agreed upon may be contributed to such institutions, agencies and organizations for such work. The certified association may also formulate and establish a plan for advertising and sales promotion, and to carry out such a promotional program agreements for this purpose may be entered into with advertising and public relations agencies or similar organizations. Following the close of each calendar year, or the fiscal year of the certified association, such association shall prepare and submit to the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries a copy of the annual audit required under Section 17 of this Act for review by said Commissioner and Board for the purpose of determining whether the funds expended by the certified association are for and in keeping with the purpose or purposes as authorized under the provisions and authority of this Act. It shall not be necessary for the Legislature to make any specific or general appropriation of funds for disbursement or expenditure by the certified association nor shall such disbursements or expenditures be subject to the budget and allotment requirements of Title 55, Chapter 4, Article III, Code of Alabama of 1940, and such disbursements and expenditures shall not be restricted or subject to any other requirements for general or special appropriations. The payment of salaries, purchases of equipment and other expenses necessary to carry out the provisions, requirements and purposes of this Act and within limitations prescribed by this Act shall be deemed as authorized expenditures from funds received from assessments levied hereunder.

Section 16. JOINT PROGRAMS WITH OTHER STATES.—Any certified association may enter into agreements with similar associations, boards, commissions or other agencies of

other states or with a national association or associations for the purpose of conducting a milk and milk products promotional program and other activity as herein authorized jointly with such associations, boards, commissions or other agencies in other states, and such certified association shall be authorized to contribute a proportionate share of the cost and expense necessary for such a program.

Section 17. EXAMINATION AND AUDIT.—The approved and certified association receiving and disbursing funds as herein authorized shall, within ninety days following the end of each calendar year, or within a period of ninety days following the close of its fiscal year, cause an audit of its books and accounts to be conducted by a certified public accountant disclosing receipts, disbursements, expenditures and other information pertinent thereto and a copy thereof shall be forwarded to the State Board of Agriculture and Industries for inspection and review. The annual audit as herein required to be made and submitted to the State Board of Agriculture and Industries shall be open to public inspection. Within ninety days following the close of a certified association's fiscal year, if it has received any funds from assessments levied and collected pursuant to this Act, such association shall publish a duly verified statement in a publication of the certified association which has a circulation to its membership showing the amount so received and collected and the amount or amounts disbursed and expended and the purposes of such expenditures.

Section 18. RULES AND REGULATIONS.—The State Board of Agriculture and Industries is hereby authorized and empowered to adopt and promulgate rules and regulations to carry out the evident intent and purpose of this Act which shall include rules and regulations governing the holding of referendums, the collection, deposit and handing of assessments collected hereunder, refunds of amounts to producers not desiring to participate in the promotional program and such other reasonable rules and regulations as may be necessary to effectuate the evident intent and purposes of this Act. The certified association shall be given at least ten days notice in writing of any Board meeting at which proposed rules and regulations as authorized hereunder will be considered for adoption.

Section 19. DUTIES OF COMMISSIONER; REVOCATION OF CERTIFICATION.—It shall be the duty of the Commissioner of Agriculture and Industries through the facilities of the Department of Agriculture and Industries to administer and enforce the provisions and requirements of this Act and the rules and regulations of the State Board of Agriculture and Industries relative thereto. The State Board of Agriculture and Industries shall have authority at any time to revoke or cancel any approval

or certification of an association in the event it finds that such association is not carrying out its promotional program in accordance with the provisions of this Act and rules and regulations promulgated thereunder. Before any certification may be revoked, the certified organization shall be given not less than ten days notice and an opportunity to be heard by the State Board of Agriculture and Industries upon the question of whether its certification should be revoked.

Section 20. REFUND RIGHTS.—Any producer of milk upon and against whom any assessment shall have been levied and collected under authority of this Act if dissatisfied with said assessment and the promotional program being conducted hereunder or if for any other reason such producer does not desire to participate in the promotional program, such producer shall have the right to demand and receive from the certified association a refund of the amount of the assessment collected from such producer, provided such demand for refund is made in writing by the producer within thirty days from the date on which such assessment was deducted from the sale price of milk sold by such producer; provided, further, that applications for refunds for amounts deducted from such sale price must give the name and address of the purchaser of the milk, the quantity of milk purchased and the date of purchase. The certified association shall within thirty days after receipt of the application for refund, after such association determines that the assessment was deducted as claimed in the application, refund to the producer the amount so paid as an assessment. The mailing by the association of a valid check in the amount of such assessment, payable to the producer, within thirty days after receipt of the application for refund, shall constitute a compliance with this Section.

Section 21. (a) PENALTY.—Any distributor, producer-distributor, handler or other purchaser of milk who fails or refuses to deduct and to pay to the certified association or organization any assessment required to be so deducted and remitted to said certified association shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty five dollars nor more than one hundred dollars for each offense, and each day of violation or failing and refusing to comply with the requirements of this Act shall constitute a separate offense.

(b) INJUNCTION.—In addition to the penalty and other enforcement remedies of this Act and notwithstanding the existence of an adequate remedy at law, the Commissioner of Agriculture and Industries may apply by a bill in equity to a circuit court or other court of like jurisdiction and such court or any judge thereof, shall have jurisdiction and for cause shown and upon a hearing to grant a temporary or permanent injunction,

or both, restraining and enjoining any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under authority of this Act. Any restraining order or injunction issued hereunder shall be issued without bond.

Section 22. SEVERABILITY.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 23. EFFECTIVE DATE.—This Act shall become effective on the date upon which the Governor issues a proclamation that the constitutional amendment authorizing the Legislature to provide for the promotion of the production and sale of milk and milk products has been adopted.

Approved August 11, 1971.

Time: 12:56 P.M.

Act No. 241

H. 288—Smith (P)

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Talladega, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines and corporate limits of the City of Talladega, Talladega County, Alabama, be, and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all of the following described territory:

Beginning at the southeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of Section 6, Township 19 South, Range 6 East, and run westerly a distance of two miles along the south boundary lines of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 6, the north half (N $\frac{1}{2}$) of Section 1, Township 19 South, Range 5 East, and the Northeast Quarter (NE $\frac{1}{4}$) of Section 2, Township 19 South, Range 5 East, to the southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 2; thence southerly a distance of $\frac{1}{2}$ miles along the east boundary line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 2, Township 19 South, Range 5 East, to the south boundary line of said Section 2; thence westerly a distance of one mile to the southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section 3, Township 19 South, Range 5 East; thence northerly along the west boundary line of the SE $\frac{1}{4}$ of Section 3 a distance of $\frac{1}{4}$ miles to the southeast

corner of the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 3; thence westerly along the south boundary line of the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 3 and the south boundary line of the $N\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 4, and the south boundary line of the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 4 to point where said south boundary line intersects the center line of Talladega Creek in the $SW\frac{1}{4}$ of Section 4; thence northwesterly along the center line of said Talladega Creek as it meanders through Sections 4 and 5 to a point where the center line of said Talladega Creek intersects the west boundary line of the $E\frac{1}{2}$ of Section 5; thence northerly along the west boundary line of the $E\frac{1}{2}$ of Section 5, Township 19 South, Range 5 East, and along the west boundary line of the $E\frac{1}{2}$ of Sections 32, 29 and 20, Township 18 South, Range 5 East to the northwest corner of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 20; thence easterly along the north boundary line of the $S\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 20 a distance of one quarter of a mile to the southwest corner of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 20; thence northerly along the west boundary line of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 20 a distance of one quarter of a mile to the northwest corner of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 20; thence westerly along the north boundary line of Section 20 a distance of one quarter of a mile to the southwest corner of the $SE\frac{1}{4}$ of Section 17; thence northerly along the west boundary line of the $SE\frac{1}{4}$ of Section 17 a distance of one quarter of a mile to the Northwest corner of the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 17; thence easterly along the north boundary line of the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 17 and of the $S\frac{1}{2}$ of $S\frac{1}{2}$ of Sections 16 and 15 a distance of approximately two and one tenth (2.1) miles to a point on the west boundary line of present City limits, said point being on the east side of Jackson Trace Road; thence northerly along the west boundary line of present City limits a distance of approximately one quarter of a mile to the northwest corner of present City limits, located on the north boundary line of the $SE\frac{1}{4}$ of Section 15; thence South $87^{\circ} 27' 30''$ East along the north boundary line of the $SE\frac{1}{4}$ of Section 15 to a point that is 975.0 feet westerly from the east boundary line of Section 15; thence N $2^{\circ} 32' 30''$ East a distance of 348.59 feet; thence S $87^{\circ} 27' 30''$ East a distance of 525.0 feet; thence South $2^{\circ} 32' 30''$ West a distance of 348.59 feet; thence South $87^{\circ} 27' 30''$ East a distance of 450.0 feet to the southeast corner of the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 15; thence southerly along the east boundary line of Section 15 a distance of 1541.6 feet, more or less, to the southern most point of the U. S. Government Reservation for Coosa River Ordinance plant; thence North $64^{\circ} 03' 30''$ East along the southeastern boundary line of said U.S. Government Reservation a distance of 1419.93 feet to a point; thence North $25^{\circ} 48' 30''$ West a distance of 535.98 feet to a point; thence North $64^{\circ} 11' 30''$ East a distance of 950.0 feet to a point; thence South $25^{\circ} 48' 30''$ East a distance of 318.0 feet

to a point; thence North $64^{\circ} 11' 30''$ East a distance of 684.0 feet, more or less, to a point on the N-S half section line of Section 14; thence northerly along said N-S half section line a distance of approximately one half mile to the northwest corner of the NE $\frac{1}{4}$ of Section 14; thence easterly along the north boundary line of Sections 14 and 13 a distance of one and one half miles to the northeast corner of Section 13; thence southerly along the east boundary line of Section 13 a distance of three quarters mile to the northwest corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, Township 18 South, Range 6 East; thence easterly along the north boundary line of S $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 18, a distance of one half mile to northeast corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18; thence southerly along the east boundary line of SW $\frac{1}{4}$ of Section 18 and the east boundary line of W $\frac{1}{2}$ of Sections 19, 30 and 31, Township 18 South, Range 6 East, and the east boundary line of the NW $\frac{1}{4}$ of Section 6, Township 19 South, Range 6 East, a distance of three and three quarter miles to the southeast corner of the NW $\frac{1}{4}$ of Section 6, the point of beginning.

The above described boundary line being the corporate limits of the City of Talladega, Alabama, and including all lands lying within the above described boundary line.

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 12:58 P.M.

Act No. 242

H. 289—Simth (P)

AN ACT

To authorize the director of conservation to declare open season on the killing of beavers under certain conditions and to provide for the payment of bounty therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the director of conservation determines that a reduction in the number of beavers is necessary to the public health and welfare of the people of this state or for the preservation of the species or to prevent serious damage resulting from the damming or diversion of public streams by beavers, said director shall be authorized to open or close a

season in any county, area or section of the state for the killing of beavers and to provide for the payment of a bounty of five dollars for each beaver killed.

Section 2. The director of conservation shall be authorized to promulgate such reasonable rules and regulations as he may deem necessary or desirable to implement the provisions of this act and to prescribe the conditions under which such payment shall be made, including the opening and closing dates therefor and the manner and procedure for paying such bounty.

Section 3. All bounties paid pursuant to the provisions of this act shall be paid out of any funds of the conservation department available for such purposes.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 12:59 P.M.

Act No. 243

H. 318—Wynot

AN ACT

To make a supplemental appropriation to the State Tenure Commission for the fiscal year ending September 30, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1971, from the funds in the State Treasury to the credit on the Alabama Special Educational Trust Fund the sum of Twenty Five Hundred Dollars (\$2500.00) to the State Tenure Commission for expense of operation. Said appropriation is supplemental to and in addition to the appropriation for said fiscal year to the Commission made by Act Number 91 of the Special Session of 1969.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:00 P.M.

Act No. 244

H. 376—Cross, Carter

AN ACT

Relating to counties having populations of not less than 27,000 nor more than 27,900, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 27,000 nor more than 27,900, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which fee shall be collected by the sheriff and deposited in the treasury of such county. Said fees shall be used for general fund purposes.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:02 P.M.

Act No. 245

H. 419—Fite

AN ACT

To fix the compensation of the Assistant District Attorney in counties having a population of not less than 16,600 nor more than 16,950.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,600 nor more than 16,950, according to the most recent federal decennial census, the Assistant District Attorney shall be paid a monthly salary of \$500.00 per month payable from the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:03 P.M.

Act No. 246

H. 422—Hardin, Bassett

AN ACT

To repeal Act No. 1031, S. 624, approved September 9, 1961, entitled, "An Act providing further for the compensation of members of the jury commission in counties having a population of not less than 24,550 nor more than 24,650 inhabitants, according to the 1960 or any subsequent federal decennial census." (Acts of Alabama 1961, p. 1617).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1031, S. 624, approved September 9, 1961, entitled, "An Act providing further for the compensation of members of the jury commission in counties having a population of not less than 24,550 nor more than 24,650 inhabitants, according to the 1960 or any subsequent federal decennial census." (Acts of Alabama 1961, p. 1617) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 1:04 P.M.

Act No. 247

H. 423—Hardin, Bassett

AN ACT

To amend the title and Section 1 of Act No. 764, H. 1463, Regular Session 1961 (Acts 1961, p. 1091), which Act provides further for the compensation of the jury commission in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 764, H. 1463, Regular Session 1961 (Acts 1961, p. 1091), is hereby amended to read as follows:

"An Act providing for the compensation of members of the jury commission in counties having a population of not less than

22,000 nor more than 22,500 inhabitants, according to the 1970 or any subsequent federal decennial census."

Section 2. Section 1 of said Act No. 764, H. 1463, is hereby amended to read as follows:

"Section 1. Each member of the jury commission of any county having a population of not less than 22,000 nor more than 22,500 inhabitants, according to the 1970 or any subsequent federal decennial census, shall be paid the sum of ten dollars (\$10.00) per day for the time actually engaged in the discharge of his duties as a member thereof, to be paid out of the county treasury upon the warrant drawn by the judge of probate of the county; but the compensation of each member of the commission shall not exceed the sum of five hundred dollars (\$500.00) for any one year of his term. Such warrants shall be issued by the judge of probate upon evidence satisfactory to him that such service has been rendered."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:05 P.M.

Act No. 248

H. 425—Hardin, Bassett

AN ACT

To amend the title and Section 1 of Act No. 396, H. 1025, Regular Session 1969 (Acts 1969, p. 771), which Act relates to the meetings of boards of registrars of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 396, H. 1025, Regular Session 1969 (Acts 1969, p. 771), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 22,000 and not more than 22,500; relieving the board of registrars of such counties from the duty of visiting precincts or voting places in the performance of their duties."

Section 2. Section 1 of said Act No. 396, H. 1025, is hereby amended to read as follows:

"Section 1. The members of the boards of registrars in all counties in this State having populations of not less than 22,000 and not more than 22,500 according to the most recent federal decennial census are relieved of visiting the precincts and

voting places in the performance of their official duties as provided in Code of Alabama, 1940 Title 17, Section 26 as amended; and in lieu thereof shall meet for the purpose of registration of voters at the court house sixteen days and in the other incorporated towns of the county fourteen days, dividing the fourteen days equally between such towns."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:06 P.M.

Act No. 249

H. 426—Hardin, Bassett

AN ACT

To amend the title and Section 1 of Act No. 31, H. 3, First Special Session 1963 (Acts 1963, p. 102), which Act regulates further the conduct of certain municipal elections in certain cities classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 31, H. 3, First Special Session 1963 (Acts 1963, p. 102), is hereby amended to read as follows:

"An Act Relating to cities having populations of not less than 7,900 nor more than 8,200 regulating further the conduct of certain municipal elections in such cities."

"Section 1. This act shall apply only in cities having a population of not less than 7,900 nor more than 8,200 inhabitants, according to the last or any subsequent decennial census of the United States, or according to any municipal census taken either under the provisions of Article 3, Chapter 10, Title 37, Code of Alabama 1940, as amended, or of Act No. 845, S. 142, approved September 19, 1953 (Acts of Alabama, Regular Session, 1953, p. 1136)."

Section 2. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:07 P.M.

Act No. 250

H. 427—Hardin, Bassett

AN ACT

To amend the title and Section 1 of Act No. 472, H. 596, Regular Session 1967 (Acts 1967, p. 1162), which Act provides for an allowance for clerical assistance for tax assessors in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 472, H. 596, Regular Session 1967 (Acts 1967, p. 1162), is hereby amended to read as follows:

“An Act to provide the tax assessors of counties having populations of not less than 22,000 nor more than 22,500 an allowance for clerical assistance, such allowance to be payable out of the general funds of the county.”

Section 2. Section 1 of said Act No. 472, H. 596, is hereby amended to read as follows:

“Section 1. The board of revenue or like governing body of any county having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census is authorized to provide an allowance not to exceed \$275.00 per month for the months of October, November and December of each year for clerical assistance for the county tax assessor. Such amounts shall be paid monthly out of the general fund of the county on warrants issued by the chairman of the county governing body.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:08 P.M.

Act No. 251

H. 474—Easters

AN ACT

To further amend the title and Section 1 of Act No. 409, H. 809, Regular Session 1955 (Acts 1955, p. 954), as last amended which provides for the furnishing of equipment, supplies, and additional clerks to the tax assessor and tax collectors of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 409, H. 809, Regular Session 1955 (Acts 1955, p. 954), as last amended is hereby further amended to read as follows:

“An Act relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to

the last or any subsequent decennial census of the United States, and having two court houses and a court of county commissioners; providing for the furnishing of equipment, supplies, and additional clerks to the tax assessor and the tax collector in such counties."

Section 2. Section 1 of said Act No. 409, H. 809, as last amended is hereby further amended to read as follows:

"Section 1. This Act shall apply only to counties having a population of not less than 34,100 nor more than 34,900 inhabitants, according to the last or any subsequent decennial census of the United States, and having two court houses and a court of county commissioners."

Section 3. Section 2 of said Act No. 409, H. 809, as last amended is hereby further amended to read as follows:

"Section 2. The court of county commissioners of every county to which the Act applies is hereby authorized to provide a clerk or clerks to the tax assessor and the tax collector of the county; but the tax assessor and the tax collector shall select, and fix the compensation of, such clerk or clerks for their respective offices; provided, however, that the combined expense or salary of such clerk or clerks shall not exceed One Thousand Eight Hundred and No/100 (\$1,800.00) Dollars per annum for each of such offices. The tax assessor and the tax collector shall each have the right to discharge at will the clerk or clerks employed under the provisions of this Act, as such clerk or clerks shall serve only at the pleasure of the officer appointing them. The salaries or compensation of such clerk or clerks shall be paid in equal monthly installments out of the general funds of the county, upon separate warrants drawn in the same manner as other employees of the county are paid."

Section 4. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:09 P.M.

Act No. 252

H. 476—Easters

AN ACT

To further amend the title and Section 1 of Act No. 42, S. 73, Special Session 1964 (Acts 1964, p. 61), which Act provides for regulating the compensation of members of the county commission of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 42, S. 73, Special Session 1964 (Acts 1964, p. 61), is hereby amended to read as follows:

“An Act to apply in all counties having populations of not less than 34,100 nor more than 34,900, regulating the compensation of members of the county governing body.”

Section 2. Section 1 of said Act No. 42, S. 73, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 34,100 nor more than 34,900, according to the most recent federal decennial census, the members of the county commission shall each be entitled to an annual salary of \$4,200, to be paid in equal monthly installments from any funds in the county treasury available for that purpose according to law.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:10 P.M.

Act No. 253

H. 477—Easters

AN ACT

To amend the title and Section 1 of Act No. 361, S. 530, Regular Session 1967 (Acts 1967, p. 922), which Act provides for the creation of departments of engineering for certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 361, S. 530, Regular Session 1967 (Acts 1967, p. 922), is hereby amended to read as follows:

“An Act to provide for the creation of departments of engineering for all counties of this state having a population of not less than 34,100 nor more than 34,900; to provide for the composition of said departments of engineering; to provide for the appointment of county engineers; to prescribe the qualifications, powers and duties of said county engineers.”

Section 2. Section 1 of said Act No. 361, S. 530, Regular Session 1967 (Acts 1967, p. 922), is hereby amended to read as follows:

“Section 1. In all counties of this state having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census, there is hereby

created a Department of Engineering, which shall have primary responsibility of maintaining and constructing public roads and bridges in such counties. The Departments of Engineering shall be subject to the general supervision and control of the boards of revenue, courts of county commissioners, or other like governing bodies of such counties, and shall perform such additional duties as may be prescribed from time to time by said governing bodies of such counties.

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:12 P.M.

Act No. 254

H. 523—Drake, McDonald, St. John
AN ACT

To repeal Act No. 102, H. 40, Special Session 1969, approved May 14, 1969 entitled "An Act relating to counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, to provide an expense allowance for the deputy or county solicitor in such counties." (Acts 1969, p. 178).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 102, H. 40, Special Session 1969, approved May 14, 1969 entitled, "An Act relating to counties having populations of not less than 42,000 nor more than 46,000 according to the most recent federal decennial census, to provide an expense allowance for the deputy or county solicitor in such counties," (Acts 1969, p. 178) is hereby expressly repealed.

Approved August 11, 1971.

Time: 1:13 P.M.

Act No. 255

H. 528—O'Daniel

AN ACT

To amend Section 3 of Act No. 466, H. 1194, approved September 14, 1915 (Local Acts 1915, p. 373), an act dividing Elmore County into commissioners' districts and providing for the election of such commissioners; so as to provide further for the election and qualifications of the commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 466, H. 1194, Regular Session 1915 (Local Acts 1915, p. 373), an act dividing Elmore County into commissioners' districts is amended to read as follows:

"Section 3. That the county commissioners shall be elected by the qualified electors of the county at large, but no person shall be eligible as a candidate for member of the county Commission or other like county governing body unless he is a bona fide resident of the district he seeks to represent. Each member of the county governing body must reside in the district he represents during his continuance in office."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:14 P.M.

Act No. 256

H. 553—Pruitt, Manley

AN ACT

Relating to Sumter County: To regulate the amount of and the manner of paying the compensation of the Chief Clerk for the Tax Assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. Three-fourths of the compensation of the Chief Clerk for the Tax Assessor of Sumter County shall be paid out of the general fund of the county and the remainder thereof shall be paid by the Tax Assessor. The Court of County Commissioners, Board of Revenue, or other like governing body of the county shall fix the total amount of such Chief Clerk's salary at an amount not in excess of Four Thousand Dollars (\$4,000) per annum. Three-fourths of the amount so fixed shall be paid out of the County Treasury to the Chief Clerk in equal monthly installments at the times and in the manner that the salaries of county employees are paid.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on the first day of the first month beginning after the passage and approval of this act by the Governor, or its otherwise becoming law.

Approved August 11, 1971.

Time: 1:15 P.M.

Act No. 257

H. 554—Pruitt, Manley

AN ACT

To repeal Act No. 215, H. 372, approved August 30, 1966, entitled, "An Act To regulate the amount of and the manner of paying the compensation of the Chief Clerks for the Tax Assessors of all counties having populations of not less than 20,000 nor more than 21,000 according to the most recent federal decennial census." (Acts of Alabama 1966, Vol. I, page 267).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 215, H. 372, approved August 30, 1966, entitled, "An Act To regulate the amount of and the manner of paying the compensation of the Chief Clerks for the Tax Assessors of all counties having populations of not less than 20,000 nor more than 21,000 according to the most recent federal decennial census," (Acts of Alabama 1966, Vol. I, page 267) is hereby expressly repealed.

Sectoin 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:16 P.M.

Act No. 258

H. 555—Pruitt, Manley

AN ACT

Relating to Sumter County; providing for the operation of non-profit ambulance services by the municipalities of Livingston and York in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of the municipalities of Livingston and York located in Sumter County are each hereby authorized to create and establish, maintain and operate an ambulance service to promote the health, welfare and safety of residents of the municipalities, and of citizens and others traveling within the police jurisdiction of each municipality. Toward this end each such municipality may appropriate public funds, employ such personnel, and purchase and maintain such equipment and other facilities as may be needed for such purpose.

Section 2. The governing bodies of each such municipality may by ordinance provide for operation of the ambulance service herein authorized, and may authorize the service to charge and collect fees for services rendered, provided that such charges

shall be based solely on the cost of operating the service, which shall not be operated for profit.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:16 P.M.

Act No. 259

H. 556—Pruitt, Manley

AN ACT

Relating to Sumter County; authorizing the Sumter County Commission to reimburse the towns of York and Livingston for expenses incurred in rendering ambulance service to the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sumter County Commission is hereby authorized to appropriate and expend county funds to reimburse the towns of York and Livingston for expenses incurred in rendering ambulance service to the county. After the County Commission shall have duly adopted and recorded in its minutes a resolution to make such an appropriation, payments shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. The operation of this act shall be retroactive to April 6, 1970 and all payments made pursuant thereto on and after that date are ratified and confirmed.

Approved August 11, 1971.

Time: 1:17 P.M.

Act No. 260

H. 557—Pruitt, Manley

AN ACT

To repeal Act No. 547, S. 606, approved September 7, 1967, entitled, "An Act To amend Section 28(1), Subdivision 1, Article 23A, Title 14A

of the Code of Alabama, Recompiled 1958, 1965 Cumulative Supplement, as last amended (1961, p. 455, appvd. Aug. 7, 1961), providing for additional clerk in office of judge of probate, and fixing the compensation therefor." (Acts of Alabama 1961, Vol. II, p. 1296).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 547, S. 606, approved Sept. 7, 1967, entitled "An Act To amend Section 28(1) Subdivision 1, Article 23A, Title 14A of the Code of Alabama, Recompiled 1958, 1965 Cumulative Supplement, as last amended (1961, p. 455, appvd. Aug. 7, 1961), providing for additional clerk in office of judge of probate, and fixing the compensation therefor," (Acts of Alabama, 1967, Vol. II, p. 1296) is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:18 P.M.

Act No. 261

H. 558—Pruitt

AN ACT

To repeal Act No. 427, H. 928, approved August 7, 1961, entitled, "An Act To authorize the governing body of any county in this state having a population of not less than 20,000 nor more than 21,000 to provide for the employment of an additional assistant in the office of the judge of probate of the county for a portion of each fiscal year."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 427, H. 928, approved August 7, 1961, entitled "An Act To authorize the governing body of any county in this state having a population of not less than 20,000 nor more than 21,000 to provide for the employment of an additional assistant in the office of the judge of probate of the county for a portion of each fiscal year," is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:20 P.M.

Act No. 262

H. 559—Pruitt, Manley

AN ACT

Relating to Sumter County; to provide for an additional clerk for the probate judge, and fixing compensation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to Sumter County; to provide for the employment of one additional clerk in the office of the judge of probate for six months of each fiscal year to assist the judge of probate in the performance of his official duties. Such clerk shall be entitled to a salary of \$150.00 per month upon the certificate of the judge of probate to the governing body of such county stating that such clerk has actually been employed in such office payable out of the general fund of the county in the same manner that other employees of the county are paid. The judge of probate shall appoint and may discharge at his pleasure the clerk hereby authorized, and the judge of probate may at his pleasure designate the months in which the clerk may be employed.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:21 P.M.

Act No. 263

H. 611—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 383, H. 882, Regular Session 1963 (Acts 1963, p. 887), which Act provides further for the compensation and expense allowance of county superintendents of education of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 383, H. 882, Regular Session 1963 (Acts 1963, p. 887), is hereby amended to read as follows:

“An Act relating to counties having a population of not less than 26,000 nor more than 26,800; regulating further the compensation and expense allowance of county superintendents of education.”

Section 2. Section 1 of said Act No. 383, H. 882, is hereby amended to read as follows:

"Section 1. The annual salary of the county superintendent of education in all counties of this state having a population of not less than 26,000 nor more than 26,800, according to the 1970 or any subsequent federal decennial census; shall be fixed by the county board of education at not more than seven thousand eight hundred dollars (\$7,800), which salary shall be payable in equal monthly installments. In addition to his salary, he may be allowed and paid the additional sum of fifty dollars (\$50) each month as constituting reimbursements for traveling expenses incurred in the performance of his duties."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:22 P.M.

Act No. 264

H. 612—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 86, H. 193, Second Special Session 1965 (Acts 1965, p. 116), which Act provides further for the maintenance and care of ancient cemeteries or burial grounds by municipal corporations in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 86, H. 193, Second Special Session 1965 (Acts 1965, p. 116), is hereby amended to read as follows:

"An Act relating to municipal corporations in counties having populations of not less than 26,000 nor more than 26,800, according to the most recent federal decennial census; to authorize such municipalities to protect, maintain and care for ancient cemeteries or burial grounds, to grant permits for burial therein, and to define 'ancient cemetery or burial ground'."

Section 2. Section 1 of said Act No. 86, H. 193, is hereby amended to read as follows:

"Section 1. In any county having a population of not less than 26,000 nor more than 26,800, according to the most recent federal decennial census, a municipality having within its corporate limits or the police jurisdiction thereof an ancient cemetery or burial ground, as herein defined, may provide for the protection, maintenance and care thereof, in whole or in part, and may appropriate funds for that purpose. A written permit for interment in such cemetery or burial ground shall be se-

cured from the municipality under general regulations duly adopted by the governing body thereof. An 'ancient cemetery or burial ground' as used herein is one which at the time the town or city assumes the protection, maintenance and care thereof, in whole or in part, has two or more graves therein which are at least fifty years old and which cemetery or burial ground has been open to the public for burials and for which there is no adequate provision for the protection, maintenance and care thereof."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:23 P.M.

Act No. 265

H. 613—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 355, H. 357, Special Session 1966 (Acts 1966, p. 496), which Act provides further for official bonds of public officers and employees in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 355, H. 357, Special Session 1966 (Acts 1966, p. 496), is hereby amended to read as follows:

"An Act to apply only in counties having populations of not less than 26,000 nor more than 26,800; regulating official bonds of public officers and employees and repealing conflicting laws."

Section 2. Section 1 of said Act No. 355, H. 357, is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 26,000 nor more than 26,800 according to the most recent federal decennial census, official bonds required of county officers or employees of the county governing body, boards, agencies and commissions, and the official bonds of state officers and employees residing in the county, may be made by a surety company or surety companies authorized by their charters to make such bonds provided they are qualified to do business in this state and authorized under their charters to make such bonds."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:24 P.M.

Act No. 266

H. 614—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 649, H. 874, Regular Session 1967 (Acts 1967, p. 1470), which Act provides further for the compensation of members of the county board of education in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 649, H. 874, Regular Session 1967 (Acts 1967, p. 1470), is hereby amended to read as follows:

“An Act to fix the compensation of the members of the county board of education in all counties having populations of not less than 26,000 nor more than 26,800.”

Section 2. Section 1 of said Act No. 649, H. 874, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 26,000 nor more than 26,800, according to the most recent federal decennial census, each member of the county board of education shall receive from the public school funds of the county, twenty dollars (\$20) a day and his actual traveling expenses incurred in attending meetings of the board and transacting business of the board, payable in the same manner as the salaries of the teachers are paid. The members of such board shall not be allowed pay for more than twenty days in any one year.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:26 P.M.

Act No. 267

H. 615—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 650, H. 875, Regular Session 1967 (Acts 1967, p. 1471), which Act provides further for the compensation of jurors in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 650, H. 875, Regular Session 1967 (Acts 1967, p. 1471), is hereby amended to read as follows:

“An Act to regulate the compensation of jurors in counties having populations of not less than 26,000 nor more than 26,800.”

Section 2. Section 1 of said Act No. 650, H. 875, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 26,000 nor more than 26,800, according to the most recent federal decennial census, regular jurors, grand and petit, shall each be entitled to ten dollars (\$10) for each day's service, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues and payable out of the county treasury.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:28 P.M.

Act No. 268

H. 616—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 517, H. 881, Regular Session 1963 (Acts 1963, p. 1105), which Act provides that the clerks of county courts or other inferior courts of certain counties classified on a population basis may take affidavits and complaints and issue warrants in felony cases, and issue search warrants.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 517, H. 881, Regular Session 1963 (Acts 1963, p. 1105), is hereby amended to read as follows:

“An Act to provide that clerks of county courts or other inferior courts in counties having a population of not less than 26,000 nor more than 26,800, according to the 1970 or any sub-

sequent federal decennial census, may take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants."

Section 2. Section 1 of said Act No. 517, H. 881, is hereby amended to read as follows:

"Section 1. In counties having populations of not less than 26,000 nor more than 26,800, according to the 1970 or any subsequent federal decennial census, the clerk of the county courts or other inferior courts may take affidavits and complaints in misdemeanor and felony cases, may issue warrants of arrest in such cases, and may issue search warrants. Such complaints, warrants and search warrants issued by the clerk shall have the same legal force and effect as though the same had been taken or issued by the judge of the court. The clerk shall receive a fee of \$1.00 for each writ of arrest or search warrant issued by him to be taxed and collected as other costs are taxed and collected."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:30 P.M.

Act No. 269

H. 617—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 356, H. 358, Special Session 1966 (Acts 1966, p. 497), which Act provides further for the duties and fees of sheriffs relative to county or inferior courts in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 356, H. 358, Special Session 1966 (Acts 1966, p. 497), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 26,000 nor more than 26,800 according to the most recent federal decennial census; to regulate the duties of the sheriff relative to the county or inferior court, and to provide for the costs and fees payable to the sheriff for such services."

Section 2. Section 1 of said Act No. 356, H. 358, is hereby amended to read as follows:

"Section 1. In any county having a population of not less than 26,000 nor more than 26,800 according to the most recent federal decennial census, the sheriff, in person or by deputy,

shall attend the sessions of the county or inferior court and preserve order. He shall execute all writs or processes issued therefrom and perform all other duties required to be performed by him in the circuit court. For all such services the sheriff shall receive the same costs and fees as are allowed by law for similar services in the circuit court."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:31 P.M.

Act No. 270

H. 618—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 357, H. 359, Special Session 1966 (Acts 1966, p. 497), which Act relates to pistol permits in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 357, H. 359, Special Session 1966 (Acts 1966, p. 497), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 26,000 nor more than 26,800, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees."

Section 2. Section 1 of said Act No. 357, H. 359, is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 26,000 nor more than 26,800, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about a person as provided in Code of Alabama, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for emergency purposes, in such amounts as may be determined by the court of county commissioners, board of revenue, or other like governing body of the county; the remaining part of each fee collected shall be credited to the general funds of the county."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:32 P.M.

Act No. 271

H. 619—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 340, H. 630, Regular Session 1961 (Acts 1961, p. 362), which Act relates to the compensation of members of the county governing body in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 340, H. 630, Regular Session 1961 (Acts 1961, p. 362), is hereby amended to read as follows:

“An Act to fix the compensation of members of the court of county commissioners, board of revenue or like governing body of all counties having populations of not less than 26,000 nor more than 26,800, according to the 1970 or any subsequent federal decennial census.”

Section 2. Section 1 of said Act No. 340, H. 630, is hereby amended to read as follows:

“Section 1. The members of the court of county commissioners, board of revenue or like governing body of any county having a population of not less than 26,000 nor more than 26,800, according to the 1970 or any subsequent federal decennial census, shall be entitled to receive a salary of three thousand nine hundred dollars (\$3,900) per annum, payable in equal monthly installments, out of any funds in the county treasury available for such purpose according to law. The salary herein provided for shall be the entire compensation of each member for the performance of his official duties.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:33 P.M.

Act No. 272

H. 620—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 1121, H. 1110, Regular Session 1969 (Acts 1969, p. 2076), which Act provides further for the

insuring of certain public school buildings and property in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 1121, H. 1110, Regular Session 1969 (Acts 1969, p. 2076), is hereby amended to read as follows:

“An Act relating to counties having populations of not less than 26,000 nor more than 26,800, according to the most recent federal decennial census; to regulate the insuring of certain public school buildings in such counties, together with the equipment, furniture, fixtures and other property of such buildings; to repeal conflicting laws.”

Section 2. Section 1 of said Act No. 1121, H. 1110, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 26,000 nor more than 26,800, according to the most recent federal decennial census, the county board of education shall have the authority and is hereby authorized to insure any public school building within its jurisdiction and under its control which may be owned by the state or county or any city in the county, together with the equipment, furniture, fixtures and other property in any such building, for the insurable value thereof, with insurance companies of its own choosing and shall not be required to insure such property by or through either the State Insurance Fund or the State Department of Finance, any provision of law to the contrary notwithstanding.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:30 P.M.

Act No. 273

H. 621—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 129, H. 240, Special Session 1966 (Acts 1966, p. 163), which Act provides further for branch banks in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 129, H. 240, Special Session 1966 (Acts 1966, p. 163), is hereby amended to read as follows:

'An Act to authorize and provide for branch banks in all counties having populations of not less than 26,000 nor more than 26,800 according to the most recent federal decennial census.'

Section 2. Section 1 of said Act No. 129, H. 240, is hereby amended to read as follows:

"Section 1. This Act shall apply to all counties having populations of not less than 26,000 nor more than 26,800 according to the most recent federal decennial census. Any bank established and authorized to do a general banking business in any such county may open, establish, maintain, and operate a branch bank, branch office, or other place of business for the receipt of deposits, payment of checks, lending of money, and conducting a general banking business; provided, that any such bank shall open a branch only within the corporate limits of the municipality in which its principal place of business is located or within the corporate limits of any other municipality in the county in which there is no other bank. No branch bank shall be open as hereinabove authorized without the written consent of the state superintendent of banks."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:30 P.M.

Act No. 274

H. 622—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 384, H. 883, Regular Session 1963 (Acts 1963, p. 887), which act provides an allowance for clerk hire for the circuit court clerk in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 384, H. 883, Regular Session 1963 (Acts 1963, p. 887), is hereby amended to read as follows:

"An Act to provide an allowance for clerk hire for the circuit court clerk of all counties having populations of not less than 26,000 nor more than 26,800."

Section 2. Section 1 of said Act No. 384, H. 883, is hereby amended to read as follows:

"Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a

population of not less than 26,000 nor more than 26,800, according to the 1970 or any subsequent federal decennial census, may provide a clerk hire allowance of not less than one hundred dollars (\$100) a month nor more than one hundred fifty dollars (\$150) a month for the use of the clerk of the circuit court. The allowance shall be paid from the general fund of the county in such manner as the governing body of the county may direct."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:36 P.M.

Act No. 275

H. 623—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 337, H. 627, Regular Session 1961 (Acts 1961, p. 361), which Act provides that clerks of county courts of certain counties classified on a population basis may take affidavits and complaints and issue warrants of arrest in misdemeanor cases.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 337, H. 627, Regular Session 1961 (Acts 1961, p. 361), is hereby amended to read as follows:

"An Act to provide that clerks of county courts in all counties having a population of not less than 26,000, nor more than 26,800, according to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases."

Section 2. Section 1 of said Act No. 337, H. 627, is hereby amended to read as follows:

"Section 1. In counties having a population of not less than 26,000, nor more than 26,800, according to the most recent federal decennial census, the clerk of the county court may take affidavits and complaints in misdemeanor cases and may issue warrants of arrest in such cases returnable to the county court. And such complaints and warrants shall have the same legal force and effect as though the same had been taken or issued by the judge of the county court."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:37 P.M.

Act No. 276

H. 624—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 841, H. 1111, Regular Session 1969 (Acts 1969, p. 1545), which Act provides further for deputies for the sheriff in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 841, H. 1111, Regular Session 1969 (Acts 1969, p. 1545), is hereby amended to read as follows:

“An Act relating to counties having populations of not less than 26,000 nor more than 26,800 according to the most recent federal decennial census; to authorize the governing body in such counties to provide additional deputies for the sheriff; to repeal conflicting laws.”

Section 2. Section 1 of said Act No. 841, H. 1111, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 26,000 nor more than 26,800, according to the most recent federal decennial census, the governing body may authorize the employment of such number of additional full-time deputies for the sheriff as it shall, in its discretion, prescribe, and shall provide for the payment of their compensation out of the county treasury. The deputies provided for herein shall be in addition to any other deputies heretofore or hereafter provided by law for the sheriff of any such county.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:38 P.M.

Act No. 277

H. 625—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 339, H. 629, Regular Session 1961 (Acts 1961, p. 362), which Act relates to certain duties of boards of registrars in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 339, H. 629, Regular Session 1961 (Acts 1961, p. 362), is hereby amended to read as follows:

“An Act relating to the registration of voters in counties having populations of not less than 26,000 nor more than 26,800,

according to the 1970 or any subsequent federal decennial census; relieving the members of the boards of registrars in such counties of the duty of visiting precincts or voting places in the performance of their official duties."

Section 2. Section 1 of said Act No. 339, H. 629, is hereby amended to read as follows:

"Section 1. The members of the board of registrars of each county having a population of not less than 26,000 nor more than 26,800, according to the 1970 or any subsequent federal decennial census, are relieved of the duty of visiting precincts and voting places in the performance of their official duties as provided in Section 26, Title 17, Code of Alabama (1940), as amended; and in lieu thereof shall meet at the courthouse and receive applications for registration from persons residing anywhere in the county for the same number of days as provided by law for visiting precincts for the purpose of registering voters."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:39 P.M.

Act No. 278

H. 626—McCorquodale, Agee

AN ACT

To amend the title and Section 1 of Act No. 343, H. 633, Regular Session 1961 (Acts 1961, p. 364), which Act provides for the payment of the salaries of certain employees on a semi-monthly basis in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 343, H. 633, Regular Session 1961 (Acts 1961, p. 364), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 26,000 nor more than 26,800, according to the 1970 or any subsequent federal decennial census; authorizing the payment of the salaries of certain employees of such counties on a semi-monthly basis."

Section 2. Section 1 of said Act No. 343, H. 633, is hereby amended to read as follows:

"Section 1. The court of county commissioners, board of revenue or like governing body of each county having a popula-

tion of not less than 26,000 nor more than 26,800, according to the last or any subsequent federal decennial census, may, in its discretion, pay the salaries of the road workers employed by such counties in equal semi-monthly installments, on the fifteenth and last day of each month, the provisions of any other law to the contrary notwithstanding."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:40 P.M.

Act No. 279

H. 653—Collins, Callahan, Perloff, Therrell,
Roberts, Lyons

AN ACT

To amend further Section 1 of Act No. 833, S. 128, Regular Session 1965 (Acts 1965, p. 1564) as amended, which act provides a health insurance plan for employees of the State of Alabama, by including employees of certain county health departments under such plan.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 833, S. 128, Regular Session 1965 (Acts 1965, p. 1564), as amended, is amended further to read as follows:

"Section 1. For the purposes of this Act an employee is defined as a person who works full time for the State of Alabama, or for a County Health Department, and who receives his full compensation on a monthly basis through means of a state warrant drawn upon the State Treasury or by check drawn upon the State Treasury or by check drawn by the Treasurer of the Alabama State Docks' Department or by check drawn by the Treasurer of the Alabama State Agency for Surplus Property, other than those employees covered by the United States Railway Retirement Act. Such term shall also include those persons who shall hereafter retire from the service of the State of Alabama and who, at the time of such retirement, met the criteria set out herein and who, following such retirement, draw a monthly benefit from the Employees' Retirement System of Alabama. Provided further, that the full-time employees of the county health department in all counties having populations of not less than 300,000 nor more than 500,000 shall also be included in the definition of employee for the purpose of this Act, and the health department of any such county is hereby authorized

to pay the employer's share of any contributions to the retirement fund."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:41 P.M.

Act No. 280

H. 684—Boutwell, Doss, Weeks, McBride,
Cherner, Dill, Wallace, Parker
(H), Boles, Bowers, Gloor,
Jones (E), Waggoner, Ellis

AN ACT

To authorize the tax assessor of any county of the State having a population of 500,000 or more according to the last or any subsequent Federal census to make or to have made photographic reproductions of books, records, papers or other documents, all of which are herein called "documents", required to be maintained or kept by such tax assessor; and to authorize such tax assessor to dispose of any such documents so photographed after the expiration of two years from the receipt of the same; and to provide that such photographs shall be retained in lieu of such documents; to provide that such photographic reproductions shall have the force and effect of the document itself, and to provide for the admission as evidence of duly certified photostatic copies or other copies of the original microfilm, photostat, or other similar photographs; to authorize such tax assessor to make copies of such documents and to furnish such copies to the public, together with his certificate as to the authenticity and correctness of the same, upon the payment to him of the fee therefor established by the governing body of the county; to authorize the governing body of the county to establish the fee or fees which the tax assessor shall charge for the aforesaid certified copy; to provide for the repeal of all laws in conflict with this Act; and to provide for the severability of the provisions of this Act in the event that any part is declared to be null or void; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) This Act shall apply to every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census and to no other county. (b) As used herein, the following terms have the meanings hereby ascribed to them: "the county" means any county subject to this Act; "the tax assessor" means the tax assessor of the county; "document" means any book, record, return, file, minutes, letter, correspondence, report, petition, permit, applica-

tion, receipt, assessment, notice, and any other document the tax assessor is required to maintain or keep.

Section 2. The tax assessor is authorized to make or to have made microfilm copies, photostatic copies, or other similar photographic reproductions, of documents. Such tax assessor is authorized to destroy or cause to be disposed of, at any time after expiration of two years after date of receipt, any such documents which have been microfilmed, photostated, or otherwise photographed. Such microfilm, photostat, or other photograph shall be retained and kept in lieu of such documents required to be kept or maintained.

Section 3. Such microfilm copies, photostat copies, or other similar photographic reproductions of such above named documents shall for all purposes be deemed to be and have the force and effect of such document itself. A photostatic copy, photographic reproduction or other similar photograph or type-written copy or other copy of such original microfilm copy, photostatic copy, or other similar photographic reproduction of such documents, which has been duly certified to by the tax assessor having custody of such original microfilm copy, photostatic copy or other similar photographic reproduction in the tax assessor's office must be received as evidence in all courts in the same manner and to the same extent as would be a duly certified copy of such document itself.

Section 4. It is hereby declared to be the legislative intent to permit the tax assessor to dispose of any documents required by law to be kept or maintained by the tax assessor in the event that photographic reproductions of such documents are made or caused to be made by such tax assessor, and to give such photographic reproduction the same force and effect as the document which has been so photographed and disposed of.

Section 5. The tax assessor is authorized to make copies of documents and to furnish such copies to the public, together with his certificate as to the authenticity and correctness of the same, upon the payment to him of the fee therefor established by the governing body of the county. The governing body of the county shall establish the fee or fees which the tax assessor shall charge for furnishing the aforesaid certified copies.

Section 6. All laws or parts of laws in conflict herewith, general or special, are hereby repealed.

Section 7. In the event that any section, clause, sentence, or part of this Act is declared to be null or void, it is hereby declared to be the legislative intent that the remaining portions of this Act shall have full force and effect.

Section 8. This Act shall become effective upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:43 P.M.

Act No. 281

H. 691—Cross, Carter

AN ACT

Relating to the thirty-sixth judicial circuit; authorizing the district attorney of such circuit to appoint a stenographic secretary; and to provide that the compensation of such secretary be paid by Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the thirty-sixth judicial circuit may appoint a stenographic secretary who shall serve at the pleasure of the district attorney and shall perform such duties as he may direct. The compensation of such secretary shall be fixed by the district attorney at the sum of three hundred dollars per month. Said compensation shall be paid in monthly installments out of the general fund of the treasury of Lawrence County at the end of each month.

Section 2. In addition to the compensation provided in Section 1, the district attorney may supplement such compensation or salary from the district attorney's funds.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:45 P.M.

Act No. 282

H. 699—Wood, Perloff, Therrell, Roberts,
Stokes, Downing

AN ACT

To repeal Act No. 267, H. 597, approved August 24, 1939 (Local Acts 1939, p. 156) which prohibits the governing body of Mobile County

from employing an auditor or accountant to examine the records of the governing body so long as there is a department or agency of the state authorized to make such audits.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 267, H. 597, approved August 24, 1939 (Local Acts 1939, p. 156) which prohibits the governing body of Mobile County from employing an auditor or accountant to examine the records of the governing body so long as there is a state department or agency authorized to do so, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 1:46 P.M.

Act No. 283

H. 705—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 190, H. 601, Regular Session 1963 (Acts 1963, p. 572), which Act provides further for an expense allowance for members of the governing body of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 190, H. 601, Regular Session 1963 (Acts 1963, p. 572), is hereby amended to read as follows:

“An Act to provide an expense allowance for members of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 16,000 nor more than 16,250, according to the last or any subsequent federal decennial census; giving the Act limited retroactive effect.”

Section 2. Section 1 of said Act No. 190, H. 601, is hereby amended to read as follows:

“Section 1. The members of the court of county commissioners, board of revenue, or other like governing body of any county having populations of not less than 16,000 nor more than 16,250, according to the last or any subsequent federal decennial census, shall each be entitled to receive expenses in the amount of \$75 a month, payable monthly out of any funds in the county treasury available for such purpose according to

law, in addition to all other expense allowances and compensation heretofore provided."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:48 P. M.

Act No. 284

H. 706—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 125, H. 228, Special Session 1966 (Acts 1966, p. 160), which Act redesignates the office of county or deputy solicitor as the office of assistant district attorney in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 125, H. 228, Special Session 1966 (Acts 1966, p. 160), is hereby amended to read as follows:

"An Act to apply only in counties having populations of not less than 16,000 nor more than 16,250; re-designating the office of county or deputy solicitor as the office of assistant district attorney."

Section 2. Section 1 of said Act No. 125, H. 228, is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 16,000 nor more than 16,250, according to the most recent federal decennial census, the office of county solicitor or deputy solicitor shall be designated, named, and known as the office of assistant district attorney."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:50 P.M.

Act No. 285

H. 707—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 86, H. 117, Regular Session 1963 (Acts 1963, p. 465), which Act provides further for an

allowance for clerk hire for the circuit court clerk in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 86, H. 117, Regular Session 1963 (Acts 1963, p. 465), is hereby amended to read as follows:

"An Act to provide an allowance for clerk hire for the circuit court clerk of all counties having populations of not less than 16,000 nor more than 16,250."

Section 2. Section 1 of said Act No. 86, H. 117, is hereby amended to read as follows:

"Section 1. The court of the county commissioners, board of revenue, or other like governing body of any county having a population of not less than 16,000 nor more than 16,250, according to the 1970 or any subsequent federal decennial census, shall provide a clerk hire allowance of one hundred fifty dollars (\$150) a month for the use of the clerk of the circuit court. The allowance shall be paid from the general fund of the county in such manner as the governing body of the county may direct."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:51 P.M.

Act No. 286

H. 708—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 482, H. 873, Regular Session 1961 (Acts 1961, p. 542), which Act provides further for forest protection districts in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 482, H. 873, Regular Session 1961 (Acts 1961, p. 542), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 16,000 nor more than 16,250, according to the 1970 or any subsequent federal decennial census: To divide such counties into four forest protection districts, creating the office of district forest warden for each district within such counties, prescribing the duties of such officers, fixing their compensation, and imposing such duties ex officio upon the members of the county governing body."

Section 2. Section 1 of said Act No. 482, H. 873, is hereby amended to read as follows:

"Section 1. Every county in this State having a population of not less than 16,000 nor more than 16,250, according to the 1970 or any subsequent federal decennial census, is hereby divided into four forest protection districts, the boundaries of each of which shall coincide with the four commissioners' districts. There shall be four district forest wardens for the county, each of whom shall be charged with the duty of enforcing the provisions of Chapter 4 of Title 8 of the Code of Alabama (1940) in the county, and each of whom shall have the special duty of investigating and reporting, for his district, violations of Chapter 4 of Title 8 of the Code of Alabama (1940)."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:52 P.M.

Act No. 287

H.709—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 32, S. 17, Special Session 1962 (Acts 1962, p. 42), which Act provides further for the employment for a deputy clerk in the office of clerk of the circuit court in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 32, S. 17, Special Session 1962 (Acts 1962, p. 42), is hereby amended to read as follows:

"An Act to provide for the employment of a deputy clerk in the office of the clerk of the circuit court in counties of not less than 16,000 nor more than 16,250 population according to the last or any subsequent federal decennial census, and giving the Act retroactive effect."

Section 2. Section 1 of said Act No. 32, S. 17, is hereby amended to read as follows:

"Section 1. The governing body of any county having a population of not less than 16,000 nor more than 16,250 inhabitants according to the last or any subsequent federal decennial census is hereby authorized to provide sufficient funds monthly from the county treasury for the employment of a deputy clerk in the office of the clerk of the circuit court of the

county. The deputy clerk shall be appointed by the circuit clerk, and the governing body of the county shall fix the deputy's salary at not less than one hundred dollars nor more than one hundred fifty dollars per month, said salary to be paid from the general fund of the county."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:53 P.M.

Act No. 288

H. 710—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 343, H. 857, Regular Session 1963 (Acts 1963, p. 834), which Act provides for the appropriation of county funds to municipal industrial development boards within or without certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 343, H. 857, Regular Session 1963 (Acts 1963, p. 834), is hereby amended to read as follows:

"An Act to authorize the governing body of any county having a population of not less than 16,000 nor more than 16,250 to appropriate county funds to municipal industrial development boards within or without the county."

Section 2. Section 1 of said Act No. 343, H. 857, is hereby amended to read as follows:

"Section 1. The governing body of any county having a population of not less than 16,000 nor more than 16,250 may in its discretion appropriate county funds to municipal industrial development boards located within or without the county where such boards are organized and existing under the laws of the State of Alabama to aid such boards in constructing or otherwise inducing industries to locate within the county."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:54 P.M.

Act No. 289

H. 711—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 33, S. 18, Special Session 1962 (Acts 1962, p. 43), which Act provides further for the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 33, S. 18, Special Session 1962 (Acts 1962, p. 43), is hereby amended to read as follows:

“An Act to fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census, and giving the act retroactive effect.”

Section 2. Section 1 of said Act No. 33, S. 18, Special Session 1962 (Acts 1962, p. 43), is hereby amended to read as follows:

“Section 1. This Act shall apply in, but only in, counties having a population of not less than 16,000 nor more than 16,250 according to the last or any subsequent federal decennial census.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:55 P.M.

Act No. 290

H. 712—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 45, H. 68, Second Special Session 1963 (Acts 1963, p. 213), which Act provides further for the compensation and allowance of certain election officers in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 45, H. 68, Second Special Session 1963 (Acts 1963, p. 213), is hereby amended to read as follows:

“An Act to fix the compensation and allowance of certain election officers in every county of the state having a population of not less than 16,000 nor more than 16,250 according to the last or any subsequent federal decennial census.”

Section 2. Section 1 of said Act No. 45, H. 68, is hereby amended to read as follows:

"Section 1. This Act shall apply to each county of the state having a population of not less than 16,000 nor more than 16,250 according to the last or any subsequent federal decennial census."

***Section 3.* This Act shall become effective September 1, 1971.**

Approved August 11, 1971.

Time: 1:56 P.M.

Act No. 291

H. 713—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 46, H. 69, Second Special Session 1963 (Acts 1963, p. 213), which Act provides further for a clerk-hire allowance for certain officers in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

***Section 1.* The title of Act No. 46, H. 69, Second Special Session 1963 (Acts 1963, p. 213), is hereby amended to read as follows:**

"An Act to provide a clerk-hire allowance for certain officers of all counties having populations of not less than 16,000 nor more than 16,250, according to the last or any subsequent federal decennial census."

***Section 2.* Section 1 of said Act No. 46, H. 69, is hereby amended to read as follows:**

"Section 1. This Act shall apply in, but only in, counties having a population of not less than 16,000 nor more than 16,250, according to the last or any subsequent federal decennial census."

***Section 3.* This Act shall become effective September 1, 1971.**

Approved August 11, 1971.

Time: 1:57 P.M.

Act No. 292

H.714—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 30, S. 15, Special Session 1962 (Acts 1962, p. 41), which Act provides further for the appointment of a deputy sheriff in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 30, S. 15, Special Session 1962 (Acts 1962, p. 41), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 16,000 nor more than 16,250 inhabitants, according to the last or any subsequent federal decennial census; authorizing the governing body of any such county to provide for the appointment by the sheriff of a deputy sheriff in addition to all other deputies provided by law; giving the act retroactive effect."

Section 2. Section 1 of said Act No. 30, S. 15, is hereby amended to read as follows:

"Section 1. The governing body of any county having a population of not less than 16,000 nor more than 16,250 inhabitants, according to the last or any subsequent federal decennial census, is hereby authorized to provide sufficient funds monthly from the county treasury for the appointment by the sheriff of a deputy sheriff, such deputy to be in addition to all other deputies provided for by law. The governing body of the county shall fix the deputy's salary at not less than \$250 per month, said salary to be paid from the general fund of the county."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:58 P.M.

Act No. 293

H. 715—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 100, H. 303, Regular Session 1963 (Acts 1963, p. 484), which Act provides further for the salary or compensation of school bus drivers in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 100, H. 303, Regular Session 1963 (Acts 1963, p. 484), is hereby amended to read as follows:

"An Act to authorize and direct the county board of education of all counties having populations of not less than 16,000

nor more than 16,250 according to the last or any subsequent federal decennial census to provide for increasing the salary or other compensation of school bus drivers in the county."

Section 2. Section 1 of said Act No. 100, H. 303, is hereby amended to read as follows:

"Section 1. The boards of education of all counties in this state having populations of not less than 16,000 nor more than 16,250, according to the last or any subsequent federal decennial census, is hereby authorized and directed to take whatever steps are necessary to provide that the salary or other compensation of each school bus driver transporting pupils to public schools for such board is increased by an amount equal to ten per cent of the salary or other compensation prescribed for him when this act becomes effective in such county. In the case of school bus drivers who are paid regular monthly salaries by the board of education, the amount of each driver's salary shall be increased by an amount equal to ten per cent of such driver's salary at the time this act becomes effective in the county. In those cases where pupils are transported to the public schools pursuant to a contract between the board of education and a bus owner, the board shall authorize and provide for the payment, in addition to the contract price for such transportation, of an additional amount equal to ten per cent of the contract price, provided the contractor agrees that the salary or other compensation of the driver of the bus shall be increased ten per cent."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 1:59 P.M.

Act No. 294

H. 716—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 85, H. 116, Regular Session 1963 (Acts 1963, p. 464), which Act prescribes the amount of the official bond required of the tax collector in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 85, H. 116, Regular Session 1963 (Acts 1963, p. 464), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 16,000 nor more than 16,250; prescribing the amount of official bond required of the tax collector of the county."

Section 2. Section 1 of said Act No. 85, H. 116, is hereby amended to read as follows:

“Section 1. The tax collector of any county having a population of not less than 16,000 nor more than 16,250, according to the most recent federal decennial census, shall execute bonds in duplicate, with good and sufficient sureties, either with a surety company, or with not less than two personal sureties, payable to the State of Alabama in the amount of \$50,000 subject to the approval of the state comptroller and conditioned faithfully to discharge the duties of his office, which are now or may be required of him by law during the time he continues therein or discharges any of the duties thereof. One of such duplicates shall be filed and recorded in the office of the judge of probate and one shall be filed and recorded in the office of the comptroller by not later than thirty days after the effective date of this Act, and thereafter shall be filed and recorded in the office of the judge of probate of the county on or before the first day of September next following his election and shall be filed with the comptroller not later than the fifteenth day of September of the same year. The cost of the bond herein prescribed, if made by a surety company, shall be paid by the court of county commissioners, board of revenue, or like governing body of the county and shall be a preferred claim against the county.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:00 P.M.

Act No. 295

H. 717—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 153, H. 541, Regular Session 1965 (Acts 1965, p. 218), which Act provides an expense allowance for members of the board of education in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 153, H. 541, Regular Session 1965 (Acts 1965, p. 218), is hereby amended to read as follows:

“An Act relating to counties having populations of not less than 16,000 nor more than 16,250; providing expense allowances for members of the board of education of such counties.”

Section 2. Section 1 of said Act No. 153, H. 541, is hereby amended to read as follows:

"Section 1. Members of the County Board of Education of each County in the State having a population of not less than 16,000 and nor more than 16,250 inhabitants, according to the last or any subsequent federal decennial census, shall be allowed and paid the sum of one hundred, fifty dollars (\$150.00) per year each, to cover the expenses incurred by them in and about the performance of their duties as such officers. This allowance shall be in addition to any expense account now allowed to them by law, and shall be paid to them July 1, 1965 and July 1 of each year thereafter out of the public school funds of such County."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:01 P.M.

Act No. 296

H. 718—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 254, H. 763, Regular Session 1969 (Acts 1969, p. 586), which Act provides further for the disposition of guns, nets, and other equipment taken or found by police officers in game and fish cases in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 254, H. 763, Regular Session 1969 (Acts 1969, p. 586), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 16,000 nor more than 16,250, according to the most recent federal decennial census; to provide for the disposition of guns, nets, and other equipment taken or found by police officers in game and fish cases in such counties."

Section 2. Section 1 of said Act No. 254, H. 763, is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 16,000 nor more than 16,250, according to the most recent federal decennial census, all guns, nets, and equipment of any kind which may be found or taken for use as evidence by police officers in game and fish cases and turned over to a court, if no person makes claim for the return of such guns, nets, or other equipment for a period of one (1) year from the date same was turned over to the court, may then be sold on order of the court at public auction by the sheriff of the county. All proceeds

derived from the sale of such guns, nets, and equipment shall be remitted by the sheriff to the general fund of the county."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:02 P.M.

Act No. 297

H. 719—Agee, McCorquodale

AN ACT

To amend the title and Sections 1 and 2 of Act No. 31, S. 16, Special Session 1962 (Acts 1962, p. 42), which Act provides further for the compensation of members of the county board of education in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 31, S. 16, Special Session 1962 (Acts 1962, p. 42), is hereby amended to read as follows:

"An Act to regulate the compensation of members of the county board of education in counties having populations of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 federal decennial census; giving the Act retroactive effect."

Section 2. Section 1 of said Act No. 31, S. 16, is hereby amended to read as follows:

"Section 1. This Act shall apply only in counties having populations of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 federal decennial census."

Section 3. Section 2 of said Act No. 31, S. 16, is hereby amended to read as follows:

"Section 2. The members of the county board of education of any county having populations of not less than 16,000 nor more than 16,250 inhabitants, according to the 1970 federal decennial census, shall each receive, as compensation for their services, from the public school funds of the county, twenty dollars (\$20.00) a day and their actual traveling and hotel expenses incurred in attending meetings and transacting the business of the board. Their pay and expenses shall be paid in like manner as provided for the payment of the compensation of teachers."

Section 4. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:03 P.M.

Act No. 298

H. 720—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 387, H. 969, Regular Session 1969 (Acts 1969, p. 764), which Act provides further for the issuance of pistol permits in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 387, H. 969, Regular Session 1969 (Acts 1969, p. 764), is hereby amended to read as follows:

“An Act relating to all counties having populations of not less than 16,000 nor more than 16,250 according to the most recent federal decennial census; fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees.”

Section 2. Section 1 of said Act No. 387, H. 969, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 16,000 nor more than 16,250 according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about a person as provided in Code of Alabama Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee shall be credited to a special fund or account in a county treasury and shall be used exclusively by the sheriff for emergency purposes, in such amounts as may be determined by the court of county commissioners, board of revenue, or other like governing body of the county; the remaining part of each fee collected shall be credited to the general funds of the county.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:04 P.M.

Act No. 299

H. 721—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 603, H. 689, Regular Session 1967 (Acts 1967, p. 1393), which Act provides further for the compensation of the chairman and members of the court of county commissioners of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 603, H. 689, Regular Session 1967 (Acts 1967, p. 1393), is hereby amended to read as follows:

“An Act to apply only in counties having populations of not less than 16,000 nor more than 16,250, making further provisions for the compensation of the chairman and members of the court of county commissioners of such counties.”

Section 2. Section 1 of said Act No. 603, H. 689, is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census, the commissioners of each of the districts and the judge of probate of the county, in addition to their duties as a court of county commissioners, shall constitute a board of road supervisors. As a supervisor, each commissioner shall receive, in addition to the per diem and mileage provided by law for county commissioners, the additional sum of \$100 per month, and also an additional sum of \$75 per month for the use of his personally owned automobile, provided he uses the same in the discharge of his duties as road supervisor. The judge of probate shall receive for his services as a member of the board of supervisors, in addition to the per diem provided by law for county commissioners, the additional sum of \$200 per month which shall be in lieu of the allowance for ex officio road services provided for by Section 28 of Title 11 of the 1940 Code. The allowances provided for herein shall be paid out of the gasoline funds of the county by warrants drawn by the judge of probate on order of the court of county commissioners.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:05 P.M.

Act No. 300

H. 722—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 436, H. 952, Regular Session 1963 (Acts 1963, p. 967), which Act levies a tobacco tax in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 436, H. 952, Regular Session 1963 (Acts 1963, p. 967), is hereby amended to read as follows:

“An Act relating to counties having populations of not less than 16,000 nor more than 16,250; levying a privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.”

Section 2. Section 1 of said Act No. 436, H. 952, is hereby amended to read as follows:

“Section 1. This act shall apply in counties having populations of not less than 16,000 nor more than 16,250 according to the last or any subsequent federal decennial census.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:06 P.M.

Act No. 301

H. 723—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 84, H. 115, Regular Session 1963 (Acts 1963, p. 464), which Act provides further for clerk hire for the probate judge in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 84, H. 115, Regular Session 1963 (Acts 1963, p. 464), is hereby amended to read as follows:

“An Act to provide an allowance for clerk hire for the probate judge of all counties having populations of not less than 16,000 nor more than 16,250.”

Section 2. Section 1 of said Act No. 84, H. 115, is hereby amended to read as follows:

“Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of not less than 16,000 nor more than 16,250, according to the 1970 or any subsequent federal decennial census, shall provide a clerk hire allowance of one hundred fifty dollars (\$150) a month for the use of the probate judge. The allowance

shall be paid from the general fund of the county in such manner as the governing body of the county may direct."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:07 P.M.

Act No. 302

H. 724—Agee, McCorquodale

AN ACT

To amend the title and Section 1 of Act No. 83, H. 114, Regular Session 1963 (Acts 1963, p. 463), which Act provides further for the payment of an expense allowance to the county superintendent of education in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 83, H. 114, Regular Session 1963 (Acts 1963, p. 463), is hereby amended to read as follows:

"An Act relating to counties having populations of not less than 16,000 nor more than 16,250; authorizing payment from county school funds of an expense allowance to the county superintendent of education."

Section 2. Section 1 of said Act No. 83, H. 114, is hereby amended to read as follows:

"Section 1. The county board of education of any county having a population of not less than 16,000 nor more than 16,250, according to the most recent federal decennial census, shall pay from the public school funds of the county the sum of \$1,000.00 per year to the county superintendent of education as an expense allowance, which sum shall be in addition to all other expenses of the office of superintendent of education which may now be authorized by law, and shall be paid to the county superintendent of education in equal monthly installments."

Section 3. This Act shall become effective September 1, 1971.

Approved August 11, 1971.

Time: 2:08 P.M.

Act No. 303

H. 742—Brassell, Adams, Turnham

AN ACT

Relating to counties having populations of not less than 42,000 nor more than 49,500, according to the most recent federal decennial census; to provide for the payment of an expense allowance to the judge of the juvenile court in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The juvenile court judge in all counties having populations of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census shall receive, in addition to all other compensation and expenses heretofore provided by law, an allowance of three hundred dollars per month for expenses incurred by him in performing the duties of his office. Such allowance shall be paid from the general fund of the county on warrants drawn as prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:09 P.M.

Act No. 304

H. 743—Brassell, Adams, Turnham
AN ACT

To provide a supplemental allowance for the court reporter of the twenty-sixth judicial circuit and to provide for the payment thereof from the general fund of the county within said circuits.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of the county within the twenty-sixth judicial circuit is hereby authorized, empowered, and directed to pay to the official court reporter of said circuit an expense allowance of \$200.00 per month. Such allowance shall be in addition to any other compensation or allowance now being paid to the official court reporter by general, local or special law and shall be paid from the general fund county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:10 P.M.

Act No. 305

H. 744—Adams, Brassell, Turnham

AN ACT

Relating to counties having populations of not less than 42,000 and not more than 49,500; to provide additional compensation to the chief clerks or deputies of the tax assessor and tax collectors in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census, the chief clerk or deputy to the tax assessor and the chief clerk or deputy to the tax collector shall each receive \$50.00 per month in addition to the compensation which they now receive by law, general, local or special. Such increase in compensation shall be paid by the county commission out of the general fund in the county treasury.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:11 P.M.

Act No. 306

H. 745—Adams, Brassell, Turnham

AN ACT

Relating to counties having populations of not less than 42,000 nor more than 49,500; to provide an expense allowance for the coroners in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 49,500 the coroner shall receive an allowance of \$200.00 for expenses incurred in and about the performance of the duties of his office. Such allowance shall be in addition to any other compensation or allowance now authorized by law, general, local or special, and shall be paid from the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:12 P.M.

Act No. 307

H. 746—Adams, Brassell, Turnham

AN ACT

Relating to counties having populations of not less than 42,000 nor more than 49,500; to provide for the appointment of a part time probation officer for the juvenile court in such counties and to prescribe his qualifications, powers, duties and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any county having a population of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census.

Section 2. In any county coming under the provisions of this act, the juvenile court shall appoint a part time probation officer who shall serve at the pleasure of the court. Such officer shall have the qualifications, powers and duties, now or hereafter prescribed by law for probation officers appointed by juvenile courts and shall be certified by the department of pensions and security as required by law. He shall receive a salary of \$400.00 per month which shall be paid from the county treasury.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:13 P.M.

Act No. 308

H. 750—Crowe, Naramore

AN ACT

Providing for the compensation of the County Superintendent of Education in any county having a population of not less than 55,500 nor more than 56,500 inhabitants according to the last federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The Superintendent of Education in all counties having a population of not less than 55,500 nor more than 56,500

inhabitants according to the last federal decennial census shall be entitled to receive for the performance of his duties an annual salary and such other allowances as may be set by the County Board of Education, which salary and allowances shall be paid in equal monthly installments out of the public school funds of the county. This amount shall not be less than \$14,500 nor more than \$18,600, which shall be set by the County Board of Education.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:14 P.M.

Act No. 309

H. 779—Lang

AN ACT

To provide clerical assistants to the judge of probate of Greene County and to provide that their compensation shall be paid out of the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Greene County may employ such clerical assistants as he may deem necessary for the efficient performance of the duties required of his office, and he shall fix the compensation of such assistants, which shall be payable from the county treasury. The total amount of such compensation shall not exceed twelve thousand dollars (\$12,000) per annum.

Section 2. All laws or parts of laws, general, local or special, in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:15 P.M.

Act No. 310

H. 780—Lang

AN ACT

To authorize and direct the county commission of Greene County to allow and pay the sheriff of said county four hundred dollars (\$400) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately owned automobile used on official business.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Greene County is hereby authorized and directed to allow and pay to the sheriff of said county the sum of four hundred dollars (\$400) per month for reimbursement of expenses incurred by him in operation, upkeep, repair and maintenance of his privately owned automobile used on official business in the performance of his duties.

Section 2. All laws or parts of laws, general, local or special, in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:16 P.M.

Act No. 311

H. 795—Doss, Dill, Boutwell

AN ACT

TO AMEND THE TITLE AND SECTION 1 OF ACT NO. 292 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1955, APPROVED AUGUST 26, 1955, (ALA. ACTS, 1955, p. 685 AND 686), WHICH AUTHORIZED ANY COUNTY HAVING A POPULATION OF 500,000 OR MORE, ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, TO APPROPRIATE FUNDS TO ANY PUBLIC CORPORATION CREATED UNDER ACT NO. 215 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1947, APPROVED JULY 24, 1947, (ALA. ACTS, 1947, p. 81 ET SEQ.), SO THAT THE SAID TITLE OF SAID ACT NO. 292, AS AMENDED, WILL RECITE THAT THE SAID ACT AUTHORIZES ANY SUCH COUNTY TO IMPROVE, PREPARE, BEAUTIFY AND EQUIP LAND OWNED BY ANY SUCH PUBLIC CORPORATION AND SO THAT SECTION 1 OF SAID ACT NO. 292, AS AMENDED, WILL AUTHORIZE ANY SUCH COUNTY TO IMPROVE, PREPARE, BEAUTIFY AND EQUIP LAND OWNED BY ANY SUCH PUBLIC CORPORATION.

Be It Enacted by the Legislature of Alabama:

Section 1. As herein used the term "Act 292" means Act No. 292 of the Regular Session of the Legislature of Alabama of 1955, approved August 26, 1955 (Ala. Acts, 1955, pp. 685 and 686).

Section 2. The title of Act 292 is hereby amended so as to read as follows:

AN ACT

TO AUTHORIZE ANY COUNTY OF THE STATE OF ALABAMA HAVING A POPULATION OF 500,000 OR MORE, ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, TO APPROPRIATE FROM TIME TO TIME FUNDS OF SAID COUNTY TO ANY PUBLIC CORPORATION HERETOFORE OR HEREAFTER CREATED UNDER ACT 215 OF THE LEGISLATURE OF ALABAMA OF 1947, APPROVED ON JULY 24, 1947 (ALA. ACTS 1947, pp. 81 et seq.), AS HERETOFORE OR HEREAFTER AMENDED, AND TO ALSO AUTHORIZE ANY SUCH COUNTY TO IMPROVE, REPAIR, BEAUTIFY AND EQUIP LAND OWNED BY ANY SUCH PUBLIC CORPORATION.

Section 3. Section 1 of Act 292 is hereby amended so as to read as follows:

Section 1. (a) As used herein, the following words and terms have the meanings hereby ascribed to them: "the public corporation" means any public corporation heretofore or hereafter created under the provisions of Act No. 215 of the Regular Session of the Legislature of Alabama of 1947, approved July 24, 1947 (Ala. Acts 1947, p. 81 et seq.), as the same has been or may be hereafter amended; "improve" means and includes improve, prepare, beautify and equip; "improvement" means and includes improvement, preparation, beautification and equipment; and "the county" means any county to which this Act applies.

(b) This Act shall apply to every county in the State having a population of 500,000 or more according to the last or any subsequent federal census, and to no other county.

(c) The county shall have authority to appropriate from time to time funds of the county to the public corporation, subject to the terms and conditions hereinafter prescribed; and the county shall have the authority to use personnel, equipment or material in improving any land or facilities of the public corporation, subject to said terms and conditions.

(d) No funds shall be appropriated and no improvement shall be made hereunder unless the governing body of the county is satisfied that the public corporation receiving the said funds or improvement will use the same in such manner and for such purposes that the citizens of the county, living both within and without the corporate limits of the city of which the said public corporation is an agency, will receive from the expenditure of said funds or from such improvement benefits which warrant the appropriation or the improvement by the county.

No money appropriated hereunder shall be used by said public corporation for acquiring land, or constructing, purchasing, renting or otherwise acquiring any building or capital improvement.

All money appropriated hereunder shall be used by the public corporation for operating expenses in carrying out the purposes for which the said public corporation has been, or may be, hereafter created; provided, further, that the county shall not appropriate any money to the public corporation or make any improvement for the public corporation until such public corporation has satisfied the governing body of the county that for at least one year prior to such appropriation or improvement all of the facilities of the public corporation for which said appropriation or improvement is to be made have been available to citizens of the county residing beyond the corporate limits of the city of which the said public corporation is an agency upon the same basis, terms and conditions as the said facilities have been available to citizens of the county residing within the corporate limits of said city, nor until the said public corporation has given to the county an assurance, acceptable to the governing body of the county, that the public corporation receiving the appropriation or the improvement will use the funds or the improvement received by it in such manner and for such purposes that citizens of the county residing beyond the corporate limits of the said city will be entitled to enjoy, or participate in, the facilities, events or other things provided with said funds or by said improvement upon the same basis, terms and conditions as the citizens residing within the corporate limits of said city.

Section 4. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:18 P.M.

Act. No. 312

H. 798—Carter, Cross

AN ACT

Relating to counties having a population of not less than 39,500 nor more than 41,750, authorizing the county governing body to create the position of county consultant, prescribing the qualifications for said office and authorizing the county to furnish said county consultant with an office in the county courthouse.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 39,500 and not more than 41,750 according to the most recent federal decennial census. The county governing body of such counties may create the position of county consultant and may furnish said county consultant an office, together with furnishings and fixtures therefor in the county courthouse.

Section 2. The person holding the office of county consultant must have served as a judge of a superior court or other court of like jurisdiction in said county for a period of thirty years or longer. The person holding the office of county consultant shall receive no pay or other compensation for his duties. It shall be the duty of the county consultant to consult with all county officials on any problem concerning their office and give them the benefit of the wisdom he gained in his long years of public service.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:19 P.M.

Act No. 313

H. 823—Stokes, Callahan, Roberts, Nettles,
Lyons, Therrell, Downing

AN ACT

To amend further Code of Alabama 1940, Title 13, Section 254 as amended, by increasing the compensation of certain deputy circuit solicitors in the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 13, Section 254, as amended, is hereby amended further to read as follows:

“Section 254. Deputy or assistant district attorneys of the thirteenth judicial circuit.—The circuit solicitor of the thirteenth judicial circuit may appoint four deputies or assistant solicitors, who shall be appointed and serve in lieu of all other deputy circuit solicitors heretofore provided for by law. The four deputy circuit solicitors or assistants herein provided for shall serve at the pleasure of the circuit solicitor, and each

shall be assigned a numbered position and receive compensation as follows:

“(a) Deputy No. 1 may serve either full time or part time, as the solicitor may determine. If the deputy serves full time he is entitled to an annual salary of twelve thousand dollars, seven thousand two hundred dollars of which shall be paid from the state treasury and the remainder shall be paid by the county; but if he only serves part time, he is entitled to an annual salary of six thousand dollars, all of which shall be paid from the state treasury.

“(b) Deputy No. 2 may serve either full time or part time as the solicitor may determine. If the deputy serves full time he is entitled to an annual salary of eight thousand four hundred dollars, four thousand eight hundred dollars of which shall be paid from the state treasury and the remainder shall be paid by the county; but if he serves only part time, he is entitled to an annual salary of four thousand eight hundred dollars, all of which shall be paid from the state treasury.

“(c) Deputy No. 3 shall serve part time only and is entitled to a salary of three thousand six hundred dollars a year, of which three thousand dollars shall be payable from the state treasury and the remainder shall be paid by the county.

“(d) Deputy No. 4 shall serve part time only and is entitled to a salary of three thousand six hundred dollars a year, one thousand eight hundred dollars of which shall be paid from the state treasury and the remainder shall be paid by the county.

“The salaries of the deputy solicitors herein provided for shall be paid in equal monthly installments on warrants drawn in the manner prescribed by law. When any deputy of the solicitor serves part time only, he shall not be subject to the restrictions against practicing law prescribed by subsection 12 of Section 229 of this title.

“The district attorney of the thirteenth judicial circuit of Alabama, in addition to the four deputy or assistant district attorneys now provided for, may appoint a full-time deputy or assistant district attorney who shall serve at the pleasure of the district attorney. The said full-time deputy or assistant district attorney shall devote his entire time to the discharge of the duties of the office and is prohibited from practicing law directly or indirectly in any court of this state or of the United States or in any other manner or form whatsoever, except in the discharge of the official duties of his office.

“The said full-time deputy or assistant district attorney shall be paid an annual salary of \$17,500.00 dollars, eight

thousand dollars of which shall be paid from the state treasury and the remainder shall be paid out of the general fund of Mobile County, both in equal monthly installments.

"The district attorney of the thirteenth judicial circuit, in addition to the four deputy or assistant district attorneys and the one full-time deputy or assistant district attorney now provided for by law, may appoint a second and third full-time deputies or assistant district attorneys who shall serve at the pleasure of the district attorney. The said second and third full-time deputies or assistant district attorneys shall devote their entire time to the discharge of the duties of the office and are prohibited from practicing law directly or indirectly in any court of this state or of the United States or in any other manner or form whatsoever, except in the discharge of the official duties of the office.

"The second full-time deputy or assistant district attorney shall be paid an annual salary of \$15,000.00, \$8,075.00 of which shall be paid from the state treasury and the remainder to be paid from the general fund of Mobile County, both in equal monthly installments.

"The third full-time deputy or assistant district attorney shall be paid an annual salary of \$13,500, \$6,750.00 of which shall be paid from the state treasury and the remainder to be paid from the general fund of Mobile County, both in equal monthly installments."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:20 P.M.

Act No. 314

H. 879—Wood, Therrell

AN ACT

To amend further Act No. 489, H. 922, Regular Session 1953 (Acts 1953, v. 1, p. 616), an Act creating the office of county license inspector in all counties having populations of not less than 225,000 nor more than 400,000, so as to provide that said license inspector shall be appointed by majority vote of the county governing body and to provide that his salary shall be established by the board of the Mobile County Civil Service System.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 489, H. 922, Regular Session 1953 (Acts 1953, v. 1, p. 616), as last amended, is hereby further amended to read as follows:

"Section 2. A license inspector shall be appointed by a majority vote of the county governing body and the appointment shall be made from a list of persons eligible for the position as certified by the county civil service system or board, if any. Any vacancy occurring in the office of county license inspector by death, resignation or removal shall be filled in the same manner as other positions in the classified service under the civil service system in said county, if any, and the appointee shall be subject to all the provisions of the civil service system of the county; if no civil service system is provided for such county, the license inspector shall serve at the pleasure of the county governing body.

"Section 3. The salary of the license inspector shall be established by the board of the Mobile County Civil Service System and shall be payable in equal monthly installments out of the general fund of the county. The license inspector shall be a county officer and shall maintain his office in the courthouse of the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:21 P.M.

Act No. 315

H. 896—Baker

AN ACT

To repeal Act No. 826, H. 1065, approved September 8, 1961, entitled, "An Act relating to counties having populations of not less than 40,000 nor more than 45,000 inhabitants; to direct the county governing body to adjust the compensations of certain county officers." (Acts of Alabama 1961, vol. II, p. 1211).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 826, H. 1065, approved September 8, 1961, entitled, "An Act relating to counties having populations of not less than 40,000 nor more than 45,000 inhabitants; to direct the county governing body to adjust the compensations of certain county officers." (Acts of Alabama, 1961, vol. II, p. 1211) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:22 P.M.

Act No. 316

H. 897—Baker

AN ACT

To repeal Act No. 265, H. 46, approved September 15, 1961, entitled, "An Act further regulating the meetings of the county board of registrars in all counties having populations of not less than 38,000 nor more than 45,000." (Acts of Alabama 1961, vol. II, p. 2281).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 265, H. 46, approved September 15, 1961, entitled, "An Act further regulating the meetings of the county board of registrars in all counties having populations of not less than 38,000 nor more than 45,000." (Acts of Alabama 1961, vol. II, p. 2281) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:23 P.M.

Act No. 317

H. 898—Baker

AN ACT

To repeal Act No. 84, H. 145, approved July 9, 1962, entitled, "An Act relating to counties having populations of not less than 40,000 nor more than 45,000; to provide additional compensation for the chief deputy and all other deputy sheriffs of all such counties." (Acts of Alabama, 1962, Special Session, p. 109).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 84, H. 145, approved July 9, 1962, entitled "An Act relating to counties having populations of not less than 40,000 nor more than 45,000; to provide additional compensation for the chief deputy and all other deputy sheriffs of all such counties." (Acts of Alabama, 1962, Special Session, p. 109), is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:24 P.M.

Act No. 318

H. 899—Baker

AN ACT

To repeal Act No. 415, S. 439, approved September 4, 1963, entitled, "An Act relating to counties having populations of not less than 38,000

nor more than 45,000, providing for the compensation of members of the jury commissions in such counties." (Acts of Alabama, 1963, vol. II, p. 920).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 415, S. 439, approved September 4, 1963, entitled, "An Act relating to counties having populations of not less than 38,000 nor more than 45,000, providing for the compensation of members of the jury commissions in such counties." (Acts of Alabama, 1963, vol. II., p. 920) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:25 P.M.

Act No. 319

H. 900—Baker

AN ACT

To repeal Act No. 156, S. 137, approved August 28, 1964, entitled, "An Act relating to counties having populations of not less than 38,000 nor more than 45,000; to provide for the payment of per diem allowances to members of boards of registrars in such counties." (Acts of Alabama, 1964, Special Session p. 220).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 156, S. 137, approved August 28, 1964, entitled, "An Act relating to counties having populations of not less than 38,000 nor more than 45,000; to provide for the payment of per diem allowances to members of boards of registrars in such counties." (Acts of Alabama, 1964, Special Session, p. 220) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:26 P.M.

Act No. 320

H. 901—Baker

AN ACT

To repeal Act No. 73, S. 75, approved March 22, 1965, entitled, "An Act authorizing the appointment of juvenile court officers in counties having populations of not less than 38,000 nor more than 45,000, according to the 1960 or any subsequent federal decennial census." (Acts of Alabama, 1965, Special Session, vol. I, p. 88-89).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 73, S. 75, approved March 22, 1965, entitled, "An Act authorizing the appointment of juvenile court officers in counties having populations of not less than 38,000 nor more than 45,000, according to the 1960 or any subsequent federal decennial census." (Acts of Alabama, 1965, Special Session, vol. I, p. 88-89) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:27 P.M.

Act No. 321

H. 902—Baker

AN ACT

To repeal Act No. 75, S. 91, approved March 22, 1965, entitled, "An Act to apply only in counties having populations of not less than 40,000 nor more than 45,000; fixing the compensation of the chief clerk of the judge of probate of each of such counties." (Acts of Alabama, 1965, Special Session, vol. I, p. 89-90).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 75, S. 91, approved March 22, 1965, entitled, "An Act to apply only in counties having populations of not less than 40,000 nor more than 45,000; fixing the compensation of the chief clerk of the judge of probate of each of such counties." (Acts of Alabama, 1965, Special Session, vol. I, p. 89-90) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:28 P.M.

Act No. 322

H. 903—Baker

AN ACT

To repeal Act No. 825, S. 403, approved September 2, 1965, entitled, "An Act relating to counties having a population of not less than 38,000 nor more than 45,000; providing for the payment of an expense allowance to the county Solicitor in any such county." (Acts of Alabama 1965, vol. II, p. 1547-1548).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 825, S. 403, approved September 2, 1965, entitled, "An Act relating to counties having a population of not less than 38,000 nor more than 45,000; providing for the payment of an expense allowance to the county Solicitor in any such county." (Acts of Alabama, 1965, vol. II, p. 1547-1548) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:29 P.M.

Act No. 323

H. 904—Baker

AN ACT

To repeal Act No. 445, S. 460, approved August 19, 1965, entitled, "An Act relating to all counties having populations of not less than 38,000 nor more than 45,000 according to the most recent federal decennial census; providing additional per diem pay from county funds for members of the county board of equalization; making the Act retroactive." (Acts of Alabama, 1965, vol. I, p. 648-649).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 445, S. 460, approved August 19, 1965, entitled, "An Act relating to all counties having populations of not less than 38,000 nor more than 45,000 according to the most recent federal decennial census; providing additional per diem pay from county funds for members of the county board of equalization; making the Act retroactive." (Acts of Alabama, 1965, vol. I, p. 648-649) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:30 P.M.

Act No. 324

H. 905—Baker

AN ACT

To repeal Act No. 215, H. 512, approved August 3, 1965, entitled, "An Act relating to counties having a population of not less than 38,000 nor more than 45,000; providing for the payment of an expense allowance to the judge of the county court in any such county." (Acts of Alabama 1965, vol. I, p. 301).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 215, H. 512, approved August 3, 1965, entitled, "An Act relating to counties having a population of

not less than 38,000 nor more than 45,000; providing for the payment of an expense allowance to the judge of the county court in any such county." (Acts of Alabama 1965, vol. I., p. 301) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:31 P.M.

Act No. 325

H. 906—Baker

AN ACT

To repeal Act No. 113, H. 54, approved September 30, 1965, entitled, "An Act to regulate the compensation of the members of the county board of education in all counties having populations of not less than 38,000 nor more than 45,000 according to the most recent federal decennial census." (Acts of Alabama, 1965, 2nd Special Session, vol. I, p. 152-153).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 113, H. 54, approved September 30, 1965, entitled, "An Act to regulate the compensation of the members of the county board of education in all counties having populations of not less than 38,000 nor more than 45,000 according to the most recent federal decennial census." (Acts of Alabama, 1965, 2nd Special Session, vol. I, p. 152-153) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:32 P.M.

Act No. 326

H. 907—Baker

AN ACT

To repeal Act No. 137, H. 121, approved May 10, 1967, entitled, "An Act to apply only in counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to provide an expense allowance for the chairman and members of the court of county commissioners, board of revenue or other like governing body in such counties." (Acts of Alabama, 1967, vol. I, P. 187-188).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 137, H. 121, approved May 10, 1967, entitled, "An Act to apply only in counties having populations of

not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to provide an expense allowance for the chairman and members of the court of county commissioners, board of revenue or other like governing body in such counties." (Acts of Alabama, 1967, vol. I, p. 187-188) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:33 P.M.

Act No. 327

H. 908—Baker

AN ACT

To repeal Act No. 12, H. 70, approved June 27, 1967, entitled, "An Act to provide an expense allowance for the sheriff in all counties having populations of not less than 38,000 nor more than 45,000, according to the most recent decennial census." (Acts of Alabama, 1967, vol. I, p. 346).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 12, H. 70, approved June 27, 1967, entitled, "An Act to provide an expense allowance for the sheriff in all counties having populations of not less than 38,000 nor more than 45,000, according to the most recent decennial census." (Acts of Alabama, 1967, vol. I, p. 346) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:34 P.M.

Act No. 328

H. 909—Baker

AN ACT

To repeal Act No. 590, H. 611, approved September 8, 1967, entitled, "An Act to authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 38,000 nor more than 45,000 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act." (Acts of Alabama, 1967, vol. II, p. 1362-1365).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 590, H. 611, approved September 8, 1967, entitled, "An Act to authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 38,000 nor more than 45,000 according to the 1960 of any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act." (Acts of Alabama, 1967, vol. II, p. 1362-1365) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:35 P.M.

Act No. 329

H. 910—Baker

AN ACT

To repeal Act No. 618, H. 781, approved September 8, 1967, entitled, "An Act relating to Counties having a population of not less than 38,000 nor more than 45,000, and providing for payment of salary of the Judge of the Inferior Court in any such County, and to provide for all fees going to said Court, to be paid into the general fund of such County." (Acts of Alabama, 1967, vol. II, p. 1423).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 618, H. 781, approved September 8, 1967, entitled, "An Act relating to Counties having a population of not less than 38,000 nor more than 45,000, and providing for payment of salary of the Judge of the Inferior Court in any such County, and to provide for all fees going to said Court, to be paid into the general fund of such County." (Acts of Alabama, 1967, vol. II, p. 1423) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:36 P.M.

Act No. 330

H. 911—Baker

AN ACT

To repeal Act No. 651, H. 876, approved September 8, 1967, entitled, "An Act to apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance for judges of the county court in such counties." (Acts of Alabama, 1967, vol. II, p. 1471-1472).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 651, H. 876, approved September 8, 1967, entitled, "An Act to apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance for judges of the county court in such counties." (Acts of Alabama, 1967, vol II. p. 1471-1472) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:37 P.M.

Act No. 331

H. 912—Baker

AN ACT

To repeal Act No. 117, H. 102, approved May 14, 1969, entitled, "An Act to fix expense allowances of Courts of County Commissioners, Boards of Revenue or like governing bodies of all counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census, with retroactive effect." (Acts of Alabama, 1969, Special Session, vol. I, p. 188-189).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 117, H. 102, approved May 14, 1969, entitled, "An Act to fix expense allowances of Courts of County Commissioners, Boards of Revenue or like governing bodies of all counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census, with retroactive effect." (Acts of Alabama, 1969, Special Session, vol. I, p. 188-189) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:38 P.M.

Act No. 332

H. 913—Baker

AN ACT

To repeal Act No. 821, H. 1066, approved September 12, 1969, entitled, "An Act relating to all counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties." (Acts of Alabama, 1969, vol. II, p. 821).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 821, H. 1066, approved September 12, 1969, entitled, "An Act relating to all counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties." (Acts of Alabama, 1969, vol. II, p. 821) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:39 P.M.

Act No. 333

H. 914—Baker

AN ACT

To repeal Act No. 911, H. 1293, approved September 12, 1969, entitled, "An Act relating to counties having populations of not less than 41,000 nor more than 45,000 according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws." (Acts of Alabama 1969, vol. II, p. 1642-1643).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 911, H. 1293, approved September 12, 1969, entitled, "An Act relating to counties having populations of not less than 41,000 nor more than 45,000 according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws." (Acts of Alabama, 1969, vol. II, p. 1642-1643) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:40 P.M.

Act No. 334

H. 915—Baker

AN ACT

To repeal Act No. 492, H. 1294, approved August 19, 1969, entitled, "An Act relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of \$100,000." (Acts of Alabama 1969, vol II, p. 951-952).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 492, H. 1294, approved August 19, 1969, entitled, "An Act relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of \$100,000." (Acts of Alabama, 1969, vol. II, p. 951-952) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:41 P.M.

Act No. 335

H. 916—Baker

AN ACT

To repeal Act No. 840, H. 1109, approved September 12, 1969, entitled, "An Act to apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner." (Acts of Alabama, 1969, vol. II, p. 1544-1545).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 840, H. 1109, approved September 12, 1969, entitled, "An Act to apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner." (Acts of Alabama, 1969, vol. II, p. 1544-1545) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:42 P.M.

Act No. 336

H. 917—Baker

AN ACT

To repeal Act No. 1192, H. 1428, approved September 13, 1969, entitled, "An Act relating to counties having populations of not less than 41,000 nor more than 45,000; to provide for taxing and collecting of additional costs in certain courts in such counties for public law library purposes." (Acts of Alabama, 1969, vol. III, p. 2230-2231).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1192, H. 1428, approved September 13, 1969, entitled, "An Act relating to counties having populations of not less than 41,000 nor more than 45,000; to provide for taxing and collecting of additional costs in certain courts in such counties for public law library purposes." (Acts of Alabama, 1969, vol. III, p. 2230-2231) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:43 P.M.

Act No. 337

H. 918—Baker

AN ACT

To repeal Act No. 590, S. 697, approved August 29, 1969, entitled, "An Act to apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner." (Acts of Alabama, 1969, vol. II, p. 1076-1077).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 590, S. 697, approved August 29, 1969, entitled, "An Act to apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner." (Acts of Alabama, 1969, vol. II, p. 1076-1077) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:44 P.M.

Act No. 338

H. 919—Baker

AN ACT

To repeal Act No. 1084, S. 896, approved September 12, 1969, entitled, "An Act relating to counties having populations of not less than 41,000 nor more than 45,000 according to the most recent federal decennial census; providing further for the handling and use of the proceeds of gasoline excise taxes heretofore levied by the county governing bodies in any such counties." (Acts of Alabama 1969, vol. III, p. 2019-2020).

Be It Enacted by the Legislature of Alabama:

To repeal Act No. 1084, S. 896, approved September 12, 1969, entitled, "An Act relating to counties having populations of not less than 41,000 nor more than 45,000 according to the most recent federal decennial census; providing further for the handling and use of the proceeds of gasoline excise taxes heretofore levied by the county governing bodies in any such counties." (Acts of Alabama, 1969, vol. III, p. 2019 - 2020) is hereby expressly repealed.

Section 2. This Act shall take effect September 1, 1971.

Approved August 11, 1971.

Time: 2:45 P.M.

Act No. 339

H. 1090—Parker (H), Boles, Gafford

AN ACT

To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama and the City of Birmingham, Alabama so as to include within the corporate limits of the City of Mountain Brook, Alabama all territory now within such corporate limits and also certain other territory presently situated in the City of Birmingham, Alabama and to alter and re-arrange the boundary lines of the City of Birmingham, Alabama so as to exclude from the corporate limits of said City certain territory now within such corporate limits of said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act, the boundary lines of the City of Mountain Brook, Alabama and the City of Birmingham, Alabama be and the same are altered and re-arranged so as to include within the corporate limits of the said City of Mountain Brook, Alabama in addition to the territory included within its present corporate limits and to exclude from the territory of the City of Birmingham, Alabama certain territory more particularly described as follows:

A part of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 33, Township 17 South, Range 2 West, Jefferson County, Alabama, more particularly described as follows: Commence at the southeast corner of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of said Section 33, Township 17 South, Range 2 West and run thence west along the south boundary line of said southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ a distance of 74.34 feet; thence at an angle to the left of 20 degrees 48 minutes in a westerly direction a distance of 371.22 feet; thence at an angle to the right of 77 degrees 28 minutes run in a northerly direction a distance of 157.61 feet to a point on the south boundary line of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 33, Township 17 South,

Range 2 west to the point of beginning. Thence continuing along the last mentioned course run a distance of 102.45 feet; thence at an angle to the right of 97 degrees, 26 minutes run a distance of 229.85 feet; thence at an angle to the right of 82 degrees 34 minutes run in a southeasterly direction to a point on the south boundary of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 33, Township 17 South, Range 2 West, Jefferson County, Alabama; run thence West along said south boundary of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{2}$ of Section 33, Township 17 South, Range 2 West to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:46 P.M.

Act No. 340

H. 522—Drake, McDonald, St. John

AN ACT

Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the deputy or county solicitor in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, the deputy or county solicitor in such counties shall be entitled to an expense allowance of four hundred dollars (\$400) per month to be paid from the general funds of the county in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:47 P.M.

Act No. 341

H. 686—Cherner, Dill, Weeks, McBride,
Timmons, Doss, Jones (E),
Wallace, Gloor, Waggoner,
Falkenburg, Parker (H),
Erdreich, Bowers, Ellis,
Gafford, Boutwell

AN ACT

To amend Sections 2 and 4 of Act No. 631 (H-829) adopted in the 1967 Regular Session of the Alabama Legislature said Act being entitled:

"TO PROVIDE THAT ANY CITY OF THE STATE HAVING A POPULATION OF 300,000 INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS SHALL HAVE AUTHORITY, AFTER NOTICE AS PROVIDED, TO REMOVE OR DEMOLISH BUILDINGS AND STRUCTURES, PARTS OF BUILDINGS AND STRUCTURES, PARTY WALLS AND FOUNDATIONS WHEN THE SAME ARE FOUND BY THE GOVERNING BODY OF SUCH CITY TO BE UNSAFE TO THE EXTENT OF BEING A PUBLIC NUISANCE; TO PROVIDE FOR A HEARING BY THE GOVERNING BODY IF REQUESTED; TO AUTHORIZE THAT THE COST OF SUCH DEMOLITION SHALL CONSTITUTE A SPECIAL ASSESSMENT AGAINST THE LOT OR LOTS, PARCEL OR PARCELS WHEREON THE BUILDING OR STRUCTURE WAS LOCATED AND THAT SUCH ASSESSMENT TO CONSTITUTE A LIEN ON SAID PROPERTY; AND TO PROVIDE A METHOD OF COLLECTING SUCH ASSESSMENTS."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 631 (H-829) adopted in the 1967 Regular Session of the Alabama Legislature be amended so as to read as follows:

Section 2. The term "appropriate city official" as used in this Act shall mean any city official or city employee designated by the Mayor or other chief executive officer of such city as the person to exercise the authority and perform the duties delegated by this Act to "appropriate city official". Whenever the appropriate city official of such city shall find that any building, structure, part of building or structure, party wall or foundation situated in any such city is unsafe to the extent that it is a public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes and all mortgagees of record notice by personally serving upon such person, firm, association or corporation a copy of said notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same, within a reasonable time set out in said notice, which time shall not be less than sixty (60) days or suffer such building or structure to be demolished by such city and the cost thereof assessed against the property. In the event that such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and

postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same are required by the immediately preceding sentence, shall also be posted at or within three (3) feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 2. That Section 4 of Act No. 631 (H-829) adopted in the 1967 Regular Session of the Alabama Legislature be amended so as to read as follows:

Section 4. Upon demolition of such building or structure, the appropriate city official shall make report to the governing body of the cost thereof, and such governing body shall adopt a resolution fixing the costs which if finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of said demolition; and provided, further that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The city clerk of such city shall give not less than fifteen (15) days notice of the meeting at which the fixing of such costs are to be considered by publication in a newspaper of general circulation in such city of a notice that the governing body of such city at such meeting will consider the fixing of such costs thereat. The fixing of said costs by the governing body shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. The city clerk of the city shall mail a certified copy of the resolution by registered or certified mail to the person last assessing the property for taxes and all mortgages of record, and a certified copy of such resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of such resolution shall also be filed in the Office of the Judge of Probate of the county in which such city is situated.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 11, 1971.

Time: 2:48 P.M.

Act No. 342

H. 533—Meeks, Boles, Jones (E), Wallace,
Gafford

AN ACT

Amend Section 8 of Act No. 970, S. 378 on Page 1545, of the 1961 Acts of Alabama, Regular Session "to PROVIDE AN ADDITIONAL AND ALTERNATIVE method of assessing, paying taxes on and issuing license tags for motor vehicles in counties having a population of 300,000 or more according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 8 of Act No. 970, S. 378 on page 1545, of the 1961 Acts of Alabama, Regular Session "to provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles in counties having a population of 300,000 or more according to the last or any subsequent federal census, be amended to read as follows:

"Section 8. The Judge of Probate shall charge and collect an additional fee of 50 cents for each motor vehicle license tag issued by mail. This fee shall be paid with the mailed request for license tags. Such additional fee shall be paid by the Judge of Probate into the county treasury and the actual expense of mailing application forms to the owners of the motor vehicles and of mailing tags as hereinabove provided shall be paid from the county treasury upon warrant signed by the Judge of Probate and approved as provided by law. Provided, however, in all counties having a population of 600,000 or more according to the last or any subsequent federal census, the Judge of Probate shall charge and collect a fee of One Dollar (\$1.00) for each motor vehicle license tag issued by mail.

Section 2. This Act shall take effect October 1, 1972.

Approved August 11, 1971.

Time: 2:50 P.M.

Act No. 343

S.J.R. 39—Branyon

SENATE JOINT RESOLUTION

CHANGING THE NAME OF ALBERT P. BREWER
STATE JUNIOR COLLEGE TO BREWER STATE JUNIOR
COLLEGE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the name of Albert P. Brewer State Junior College be, and the same hereby is, changed to Brewer State Junior College.

BE IT FURTHER RESOLVED That a copy of this resolution be sent by the Secretary of the Senate to the President of Brewer State Junior College, the State Board of Education and the State Superintendent of Education.

Approved August 19, 1971.

Time: 3:30 P.M.

Act No. 344

S.J.R. 61—Cooper

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF BRUCE HENDERSON

WHEREAS Bruce Henderson, age 79 and a citizen of Miller's Ferry died on July 10, 1971 after a long illness; and

WHEREAS Bruce Henderson earned bachelors and masters degrees in agriculture and animal husbandry from the University of Illinois; and

WHEREAS Bruce Henderson had a great interest in livestock and served as first president of the Alabama Cattlemen's Association; and

WHEREAS Bruce Henderson was very active in public life serving as a member of the Wilcox County Board of Education for twelve years and was elected to the Alabama Senate three times where he worked on problems such as Education, Agriculture and Health; and

WHEREAS Bruce Henderson was selected as the most influential member of the senate in 1949 by the Capitol Press Corps and he was elected president pro tem of the senate in 1947; and

WHEREAS he is greatly mourned by his friends in Miller's Ferry and especially his wife and children, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this outstanding man and do pass this resolution as a memorial to his exemplary life, his benevolence and service to his fellowman.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Ethel Gabby Henderson; his two sons, Donald R. Henderson and James Bruce Henderson Jr.; his two daughters, Mrs. Joe Newell Robinson and Mrs. Malcolm Bean McDonald.

Approved August 19, 1971.

Time: 3:31 P.M.

Act No. 345 S.J.R. 66—Givhan, Bailes, Branyon, Carr, Clark,
 Cook, Cooper, Dominick,
 Dozier, Edington, Fine, Foshee,
 Gilmore, Hammond, Harris,
 Hawkins, Horne, Jones, King,
 Lindsey, Littleton, Lybrand,
 McLain, Malone, Noonan, O'Bannon,
 Owen, Pelham, Pierce, Register,
 Shelby, Vacca, Weaver, Wilder,
 Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM RILEY COOPER,
 FATHER OF SENATOR ROLAND COOPER.

WHEREAS, It has been learned to our sorrow that Honorable William Riley Cooper, father of our colleague Senator Roland Cooper, died at 7 P.M. on August 4, 1971; and

WHEREAS, Mr. Cooper, who reached his eighty-sixth birthday in January, was a resident of Loxley, Alabama, and a distinguished citizen thereof; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING, That we do mourn the death of Honorable William Riley Cooper, and do extend our profound sympathy to Senator Cooper and other members of the family;

BE IT FURTHER RESOLVED that copies of this resolution be sent to Senator Cooper, Kenneth Cooper, Bay Minette; Carlos E. Cooper, Long Beach, California; Mrs. Dorothy Martin, Bay Minette; and to Mr. Cooper's brother - Rudolph Cooper, Biloxi, Miss., and Mrs. Georgia Chilton, Loxley, Ala.

Approved August 19, 1971.

Time: 3:32 P.M.

Act No. 346

S. 289—Hammond

AN ACT

To provide for the collection and enforcement by the State Department of Revenue certain taxes levied by the county governing body of each of the several counties for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Department of Revenue shall, on request by resolution of the governing body of each of the several counties, administer and collect all taxes levied and assessed by the governing body of each of the several counties pursuant to and under the authority of Act No. 34 of the First Extraordinary Session of the 1969 Legislature of Alabama, approved May 14, 1969, as amended by Act No. 688 of the Regular Session of the Legislature of Alabama, approved September 4, 1969.

Section 2. In all cases where the governing body of any of the several counties request by resolution for the administration and collection of such taxes by the State Department of Revenue, the administration and collection thereof shall be made in the manner and in accordance with the provisions of Act No. 203, Special Session of the Legislature, 1965, in like manner as the same pertains to cities or towns as therein provided.

Section 3. All such taxes collected by the Department of Revenue shall be collected and remitted to the governing bodies of the various counties in the manner as provided for the collection of taxes for cities or towns as provided in Act No. 203, Special Session of the Legislature 1965, and the Department of Revenue is authorized to charge the counties for collecting said taxes its actual cost, not to exceed five per cent of the amount collected, and to do any and all things pertaining to the collection of said taxes for the various counties as said department is authorized to do in collecting taxes for cities and towns as provided in Act No. 203 of the 1965 Special Session of the Legislature of Alabama.

Section 4. All laws or parts of laws in conflict herewith are repealed.

Section 5. The provisions of this Act are severable. Should any part of the Act be declared invalid, the part which remains should not be affected.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved August 19, 1971.

Time: 3:33 P.M.

TO AMEND ACT NO. 765 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1969, APPROVED SEPTEMBER 12, 1969 (ALA. ACTS, 1969, p. 1358 ET SEQ.), WHICH ACT PROVIDED IN EVERY COUNTY HAVING A POPULATION OF 500,000 OR MORE, ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, FOR THE CREATION OF A PUBLIC BUREAU FOR THE PURPOSE OF ATTRACTING CONVENTIONS AND VISITORS TO THE COUNTY.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 765 of the Regular Session of Alabama of 1969, approved September 12, 1969 (Ala. Acts, 1969, p. 1358 et seq.), is hereby amended so as to read as follows:

Section 5. The affairs of the Bureau shall be managed by a board of directors, herein called "the Board", which shall consist of the following: A member of the House of Representatives representing the County chosen by members of the House representing the County; a member of the Senate representing the Senatorial District which includes the County chosen by the Senators representing that Senatorial District; an elected official of the largest city chosen by the governing body of that city; a member of the governing body of the County chosen by that governing body; the Chairman of the Board of Directors of the Civic Center Authority, established by Act No. 547 of the Regular Session of 1965; the President of the Chamber of Commerce; the President of the City Motel-Hotel Association; that person representing the classification of the motel-hotel business on the Chamber of Commerce Board of Directors; and four members, herein called "members at large", appointed in the manner below prescribed.

The Representative, the Senator, the elected official of the largest city and the member of the governing body of the County shall be elected for terms on the Board expiring when their respective terms as elected public officials expire. A person may succeed himself as a director.

As herein used in this Section 5, the term "eight members" means the eight members of the Board above designated other than the four members at large.

The eight members shall number the directorships at large as follows: directorship at large No. 1, directorship at large No. 2, directorship at large No. 3 and directorship at large No. 4. The eight members shall appoint the directors at large from qualified electors of the County.

As used herein, the term "effective date hereof" means the date on which the provision creating the directorships at large becomes applicable to the County. The first terms for the directorships at large, provided for below, shall run from the

first day of the calendar month next succeeding the effective date hereof, irrespective of the date on which the directors at large are appointed.

The first term of directorship at large No. 1 shall be for one year. The first term for directorship at large No. 2 shall be for two years. The first term for directorship at large No. 3 shall be for three years. The first term for directorship at large No. 4 shall be for four years.

After the first terms above provided for directorships at large numbered 1, 2, 3 and 4 expire, all subsequent terms for those four directorships shall be terms of four years, the first of which four-year terms shall commence on the day whereon the first terms provided for the respective directorships expire.

Every person designated, or appointed, as a director shall serve until his successor is appointed and qualifies.

In the event of a vacancy on the Board, the body, or persons, appointing the Director who immediately prior to the vacancy occurring held the directorship becoming vacant shall appoint one to fill the vacancy and to serve for the unexpired term.

The members of the Board shall serve without compensation but they may be reimbursed for actual expenses incurred in the performance of their duties for the Bureau.

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 3:34 P.M.

Act No. 348

S. 432—Pierce, Jones

AN ACT

To provide for the appointment of a humane officer in all counties in this state which may now have or which may hereafter have a population of 150,000 people and less than 180,000 people and in which there is an incorporated city having a population of 70,000 people and less than 135,000 people according to the last Federal Census or any census which may hereafter be taken; to define the duties and fix the compensation of said humane officer; to provide for transportation and the expenses of same and other expenses incurred in the performance of his duties; and placing such officer under the operation of a city county merit system in such counties having such a system.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That upon the passage and approval of this Act by the Governor or upon its otherwise becoming a law, it

shall be the duty of the Society for the Prevention of Cruelty to Animals, or other similar society organized in counties in this state which may now have, or which may hereafter have a population of 150,000 people and less than 180,000 people, according to the last Federal Census, and in which there is an incorporated city having a population of 70,000 people and less than 135,000 people, according to the last Federal Census, or any such census which may hereafter be taken, to appoint a humane officer for said counties to be approved by the Court of County Commissioners or other like governing body and by the City Commission or other like governing body of such city located in such counties.

SECTION 2. That in all such counties and cities, in addition to the duties prescribed and fixed by law for humane officers, or by whatever named called, it shall become the further duty for the humane officer to see that all laws with reference to the prevention of cruelty to animals be strictly enforced and brought to the attention of the courts within said counties. That the number of cases investigated and docketed by said officer, with a full description of each case, shall be filed each month in the office of such humane society, the cities and counties, and a complete report given to a newspaper published in said counties every six months. It shall also be the duty of such officer, in addition to those duties already prescribed, to pick up and collect all unowned and neglected dogs within the said counties and cities and deliver them to the City-County pound or shelter for disposition.

SECTION 3. That the said humane officer shall be furnished with suitable transportation for the proper performance of his duties, the cost and upkeep of which, including the cost of repairs, gas and oil, shall be shared equally by the counties and cities covered in this Act.

SECTION 4. The salary for such humane officer shall be One Hundred and Fifty Dollars per month, except in those counties where there is a merit system in which the salary shall be fixed by the Personnel Board, according to the scale of wages as fixed by said board and in the same manner as other employees' salaries are fixed. The said salary shall be shared equally by the counties and cities covered by this Act and shall be paid as other salaries to the employees of said counties and cities are paid.

SECTION 5. In all such counties where there is a county and city civil service system and the humane officer has been selected before the passage of this Act, such humane officer shall hold such office without being reappointed and shall be deemed to have acquired permanent civil service status. The said humane officer shall have all the benefits allowed to other

employees of the said counties and cities as regards retirement benefits.

SECTION 6. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

SECTION 7. This Act shall become effective on September 2, 1971.

Approved August 19, 1971.

Time: 3:35 P.M.

Act No. 349

S. 433—Pierce, Jones

AN ACT

To authorize all cities in the State of Alabama having a population exceeding 70,000 and not exceeding 135,000 inhabitants, according to the 1970 or any succeeding regular decennial federal census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees, including regular employees whose compensation is computed and paid on a per diem basis, and the regular employees of any board or commission, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provision of this Act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, on the basis of an interest rate not in excess of four per centum per annum, and mortality, disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this Act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this Act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized

system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this Act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this Act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This act shall apply to and have applications in all cities in the State of Alabama having a population exceeding 70,000 and not exceeding 135,000 inhabitants according to the 1970 or any succeeding regular decennial federal census or which shall hereafter have such population according to any federal decennial census that may hereafter be taken and shall not apply to, or have application in, any other city. Any such city may enact ordinances to establish and maintain a general system of pensions and retirements, which may include allowances payable on retirement for age or disability, or benefits on separation from service, with necessary classification and terms of admission; and to provide that upon the establishment of any system of pensions and retirements the hereinafter named employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as may be deemed expedient to admission to such pension or retirement system. Said general system of pensions and retirements shall be for the benefit of such city's regular employees and the regular employees of any Board or Commission and any person or persons employed by such city and performing the duties of a regular employee in the service of the city and whose compensation is computed on a per diem basis shall be considered a regular employee in the service of the city, and the time during which such employee is or has been employed on a per diem basis shall be considered continuous and such employee shall be given credit for being an employee in the service of the city during the entire period of time that he or she has been available for service on a per diem basis and his or her employment shall, for the purpose of computing his or her length of service, be treated as though said employee has been a permanent and regular employee of the City for the entire period for which he or she has been on call or serving and performing his or her duties as a regular employee in the service of the city notwithstanding the fact that his or her compensa-

tion or salary was computed on a per diem basis. It is the intention here to provide that an employee who performs the duties of a regular employee in the service of the city, although his or her compensation is computed on a per diem basis, shall have his or her length of service in employment computed and counted for the entire period for which said employee has been engaged and on call and available for continuous service. Such ordinances shall prescribe the manner in which the system may be conducted and its funds collected and disbursed.

SECTION 2. Cities enacting such ordinances as provided in Section 1 shall establish such board for the administration of the fund as is deemed expedient, or may provide for the governing body of the city as the administrative board. The board provided for in this section is hereafter referred to as The Board.

SECTION 3. The participating employees and the city shall contribute to the funds of such retirement system organized under the provisions of this act, and the rates of contribution shall be fixed by the Board upon the basis of actuarial valuations and shall be adequate to support the benefits granted. The Board shall have prepared annually an actuarial valuation of the assets and liabilities of the system, and on the basis of such valuations may increase or decrease the rates of contribution whenever such action is deemed by the Board to be necessary to preserve the solvency and equity of the system.

SECTION 4. A pension or retirement system organized under the provisions of this act shall create and maintain reserves on the basis of an interest rate not in excess of four per centum per annum and mortality, disability and other experience tables based on reliable experience for such, or a similar group of employees, which reserves shall be calculated to be adequate to cover the liabilities on account of benefits payable under the ordinance; provided, however, that the reserves required in respect of service rendered or benefits granted prior to the date of organization of such system under the provisions of this act may be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment hereunder.

SECTION 5. The organization under this act of a retirement system may provide for the cessation, limitation, or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system, provided that any funds of such former system transferred to the newly organized system shall be first applied to the payment of the benefits on account of which such funds were contributed.

SECTION 6. The funds of such retirement system organized under the provisions of this act shall be held independently of the funds in the treasury of the city, and shall constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system. The ordinance shall provide for trustees, who may be members of the Board, to invest and reinvest the funds of the system under such terms and restrictions in the manner of making investments as are provided in Act No. 515, approved July 9, 1945, establishing a state employees' retirement system, found in general acts of Alabama of 1945, pages 734 to 752.

SECTION 7. The property of a pension or retirement system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system, shall be exempt from taxation and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of any member of the system. No assignment of any right in or to said funds, or of any benefit payable under the provisions of the ordinance, shall be valid.

SECTION 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 3:36 P.M.

Act No. 350

S. 434—Pierce, Jones

AN ACT

Relating to incorporated cities having a population of not less than 70,000 nor more than 135,000, according to the last or any subsequent federal decennial census; providing for city planning and zoning; creating a planning commission for each such city, and prescribing the powers and duties of such a commission.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This Act shall apply to all incorporated cities having a population of not less than 70,000 nor more than 135,000, according to the last or any subsequent federal decennial census.

SECTION 2. Any city to which this act applies may divide the territory within its corporate limits and police jurisdiction into business, industrial, and residential zones or districts and

may provide the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established and may, from time to time, rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as are necessary to carry into effect and make effective the provisions of this Act.

SECTION 3. The city council, commission, or like legislative body of each city to which this Act applies shall appoint a city planning commission consisting of seven regular members and seven alternate members, all of whom shall be qualified electors of the city. An alternate member shall serve at any meeting of the planning commission only in the absence of a regular member, and when so serving, said alternate member shall have the same duties, rights and responsibilities as the regular member in whose place he is serving. The commission herein provided for shall be in lieu of the city planning commission contemplated in Article 3 of Chapter 16, Title 37, Code of Alabama (1940) as amended. The planning commission provided for by this Act shall have all the powers, duties, and responsibilities of city planning and zoning commissions as provided in Chapter 16, Title 37, Code of Alabama (1940), as amended; and, except as otherwise provided in this Act, the provisions of Chapter 16, Title 37, Code of Alabama (1940), as amended; and, except as otherwise provided in this Act, the provisions of Chapter 16, Title 37, Code of Alabama (1940), as amended, shall apply fully to the city planning commission provided for herein. The members of the city planning commission provided for by this Act shall serve at the pleasure of the council commission or like legislative body of the city.

SECTION 4. The planning commission shall elect a chairman from among its own number, and shall create and fill such other of its offices as it may determine. The commission shall hold at least one regular meeting in each month. It shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

SECTION 5. The city planning commission provided for by this Act shall appoint an executive secretary who shall be required to give bond in the penal sum of Ten Thousand Dollars (\$10,000.00) for the faithful performance of his duties, and the premium on the bond shall be paid by the city. All recommendations made by the secretary to the planning commission must be made in writing and shall constitute public records. The secretary shall keep the record of all proceedings of the commission and shall have custody of the same. Such records shall be open to public inspection at all reasonable times. The commission may also appoint such other employees as it may

deem necessary for its work and the appointment, promotion, demotion, and removal of the secretary and all other employees of the commission shall be subject to the same provisions of law as govern other corresponding civil employees of the municipality. The commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amount appropriated for the purpose by the city council, commission, or like legislative body of the city; and all contracts entered into by the commission under this section shall be in writing and be matters of public record.

SECTION 6. Before taking any action on any matter coming before the planning commission, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given as provided for by Chapter 16, Title 37, (1940), Code of Alabama, as amended. The members of the city council, commission, or like legislative body of the city may attend such hearings, but shall have no vote in the proceedings of the planning commission, and shall not be present at the time the planning commission votes to make its recommendations to the legislative body. All questions shall be determined by a majority vote of the members of the planning commission, and such votes shall be taken in executive session. After the planning commission acts and makes recommendations to the council, commission, or like legislative body of the city, such legislative body must either accept or reject such recommendations within thirty days, or one calendar month, from the date on which the recommendations are submitted to the legislative body. The council, commission, or like legislative body of the city shall hold such public hearings on such recommendations as in its discretion seem necessary; but the vote of such legislative body on the question of accepting or rejecting any such recommendations shall be made in public and shall constitute a matter of public record.

SECTION 7. All phases or parts of a general comprehensive city plan for any city affected by this Act which has been formally adopted by said city prior to the enactment of this Act are hereby confirmed and continued.

SECTION 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 9. All laws or parts of laws which conflict with this Act are repealed.

SECTION 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 3:37 P.M.

Act No. 351

S. 435—Pierce, Jones

AN ACT

Providing that in all cities of the State of Alabama now having or hereafter having a population of as many as 70,000 and not more than 135,000 people, according to the 1970 or any succeeding regular decennial Federal Census, the employees of any water works board or other board, public corporation or commission, created or appointed by the governing authority of any such city, who were or are at the time of the creation or appointment of such water works board or other board, public corporation or commission, employees of any such city, or paid in part or in whole, directly or indirectly, from funds contributed or appropriated by any such city, shall continue to be covered and protected by and entitled to the benefits of any pension or retirement system, law or plan, or other benefit plan in effect for employees of any such city at the time of the creation or appointment of any such water works board or other board, public corporation or commission; providing for the contribution and payment by any such water works board or other board, public corporation or commission, of all sums due by or accruing to any of their respective employees under any such pension or retirement system, law or plan, or other benefit plan; providing that any such water works board or other board, public corporation or commission may enter into agreements with any such city for participation by their respective employees employed after the appointment and creation of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, now applicable to or for the benefit of the employees of any such city, and as part of any such agreement to provide for contributions or payments to be made by any such water works board or other board, public corporation or commission in connection with the participation by their respective employees in any such pension or retirement system, law or plan, or other benefit plan; and providing that any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees, whether employed before or after the creation or appointment of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, hereafter applicable to or for the benefit of the employees of any such city, and as part of any such agreement to provide for contributions or payments to be made by any such water works board or other board, public corporation or commission in connection with the participation by their said respective employees in any such pension or retirement system, law or plan, or other benefit plan.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This Act shall apply in and to all cities of the State of Alabama now having or hereafter having a population of as many as 70,000 and not more than 135,000 people, according to the 1970 or any succeeding regular decennial Federal Census.

SECTION 2. The employees of any water works board, or other board, public corporation or commission, created or appointed by the governing authority of any such city, who were or are, at the time of the creation or appointment of any such water works board or other board, public corporation or commission, employees of any such city, or paid in part or in whole, directly or indirectly, from funds contributed or appropriated by any such city shall continue to be covered and protected by and entitled to the benefits of any pension or retirement system, law or plan, or other benefit plan, in effect for the employees of any such city at the time of the creation or appointment of any such water works board or other board, public corporation or commission. Any such water works board or other board, public corporation or commission, shall be responsible for the payment of all sums due by or accruing to any of their respective employees under any such pension or retirement system, law or plan, or other benefit plan; it being intended hereby to place the responsibility on any such water works board or other board, public corporation or commission, of paying all sums of money, so far as their respective employees are concerned, which any such city would have been required to pay if such water works board or other board, public corporation or commission, had not been created or appointed.

SECTION 3. Any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees employed after the appointment and creation of any such water works board or other board, public corporation or commission in any pension or retirement system, law or plan, or other benefit plan, now applicable to or for the benefit of the employees of any such city, and any such agreement shall contain a provision for contributions or payments to be made by any such water works board or other board, public corporation or commission, in connection with and in order to defray the cost of participation by their said respective employees in any such pension or retirement system, law or plan, or other benefit plan. Such agreements shall be in such form and may contain such additional provisions, conditions or stipulations as might be deemed advisable for the proration of the costs of operating any such pension or retirement system or plan, or other benefit plan.

SECTION 4. Any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees, whether employed before or after the creation or appointment of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, hereafter applicable to or for

the benefit of the employees of any such city, and any such agreement shall contain a provision for contributions or payments to be made by any such water works board or other board, public corporation or commission, in connection with and in order to defray the cost of participation by their said respective employees in any such pension or retirement system or plan, or other benefit plan. Such agreements shall be in such form and may contain such additional provisions, conditions or stipulations as might be deemed advisable for the proration of the costs of operating any such pension or retirement system or plan, or other benefit plan.

SECTION 5. This Act shall become effective on the date the regular 1970 Federal Census becomes effective in Alabama, as provided by the present laws of the State of Alabama or any subsequent laws.

Approved August 19, 1971.

Time: 3:38 P.M.

Act No. 352

S. 436—Pierce, Jones

AN ACT

To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this state having a population exceeding 150,000 and not exceeding 180,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That this act shall apply to and have application in all counties in this state having a population exceeding 150,000, and not exceeding 180,000 inhabitants, according to the latest Federal Decennial Census, or which shall hereafter have such population according to any Federal Decennial Census that may hereafter be taken, and to all incorporated municipalities now or hereafter existing in such counties.

SECTION 2. That in all such counties and municipalities the proportion of contribution to be made to any budget of a county health department as between such counties and incorporated municipalities therein shall be determined by the following formula, to-wit: Add to the total population within the boundaries of any such county the total population within the boundaries of all incorporated municipalities within such county, to arrive at a common denominator, and such county shall contribute the proportion of such budget that the total

population within its boundaries bears to said common denominator, and each incorporated municipality in such county shall contribute the proportion of said budget that the total population within its boundaries bears to said common denominator. The population to be used in said formula shall be the population of such counties and municipalities according to the most recent Federal Decennial Census. The following is an example of the application of said formula: Assume that the County of "A" has a population of 140,000, the City of "B" a population of 100,000, and the City of "C" a population of 10,000. The common denominator, therefore, would be 250,000, and the proportionate contribution to the county health department by each governmental unit would be as follows: Count of "A", fourteen Twenty-fifths ($14/25$), City of "B" ten-twenty-fifths ($10/25$), and City of "C", one-twenty-fifth ($1/25$). If the annual budget of the county health department to be apportioned between the County of "A" and the Cities of "B" and "C" is \$100,000, the County of "A" would contribute fourteen-twenty-fifths ($14/25$) of \$100,000 or \$56,000, the City of "B" would contribute ten-twenty-fifths ($10/25$) of \$100,000 or \$40,000, and the City of "C" would contribute one-twenty-fifth ($1/25$) of \$100,000 or \$4,000.00.

SECTION 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect immediately upon its passage and approval by the Governor.

Approved August 19, 1971.

Time: 3:39 P.M.

Act No. 353

S. 437—Pierce, Jones

AN ACT

To provide that the Board of Revenue, or like governing body now existing or that may be hereafter created in all counties of Alabama, having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 federal census pay to the Recorder of the Recorder's Court of all cities located in said County or counties for ex-officio services rendered by the Recorder in the trial of cases in the Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Five Thousand One Hundred and No/100 (\$5,100.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury, and providing further for the payment to the designated Prosecuting Attorney of the Recorder's Court located in said County or counties for ex-officio services rendered by him in the prosecution of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Three Thousand and No/100 (\$3,000.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the Board of Revenue, or like governing body now existing or that may be hereafter created in all counties of Alabama, having a population of not less than 150,000 nor more than 180,000 inhabitants, according to the 1970 Federal Census or any subsequent regular decennial Federal Census, shall pay to the Recorder of the Recorder's Court of all cities located in said County or counties, for ex-officio services rendered by the Recorder in said County or counties in the trial of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Five Thousand and One Hundred and No/100 (\$5,100.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury.

SECTION 2. That the Board of Revenue, or like governing body now existing or that may be hereafter created in all Counties of Alabama, having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 Federal Census shall pay to the Prosecutor of the Recorder's Court of all cities located in said counties for ex-officio services rendered by the Prosecutor in said County or counties, in the trial of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Three Thousand and No/100 (\$3,000.00) Dollars per annum, payable in twelve (12) monthly installments out of the County Treasury.

SECTION 3. All laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 4. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved August 19, 1971.

Time: 3:40 P.M.

Act No. 354

S. 438—Jones, Pierce

AN ACT

To amend Act No. 401, page 568 of the Acts of Alabama 1957 Regular Session by deleting therefrom the words "and must be a graduate in civil engineering of a recognized institute of technology or other institute or engineering school of collegiate rank" as said words appear in Section 1 of said Act No. 401 following the word "election" and preceding the word "and".

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 401, page 568 of the Acts of Alabama 1957 Regular Session be and the same is hereby amended to read as follows:

"Section 1. That the County Commission of Montgomery County, Alabama, shall elect after the approval of this Act, a thoroughly qualified and competent person as road engineer for said County, which road engineer must have at least three years practical experience in road building prior to his election and must be a registered, licensed, qualified professional engineer under Title 46, Chapter 7, 1940 Code of Alabama, as amended.

"Section 2. That the county road engineer, provided for by the terms of this Act, shall receive as compensation at least \$5,000 per year. His compensation, however, shall be fixed by the County Commission or like governing body, in the county in which he is elected.

"Section 3. That the said road engineer, provided for by this Act, shall give his entire time and attention to the construction and maintenance of public roads, highways and bridges in the county in which he holds office, and he shall have no other business, directly or indirectly, other than prescribed by the terms of this Act.

"Section 4. That said County Engineer, herein provided for, shall have under the direction and with the approval of the County Commission of Montgomery County, Alabama, entire charge of the public roads, highways and bridges in the county in which he holds office, he shall employ such assistants and help as is necessary for a full and satisfactory performance of the duties of his office relative to the upkeep, maintenance, construction, etc. of all roads, highways and bridges in the county in which he holds office.

"Section 5. That the said road engineer be and is hereby required to keep a written record in his office, which shall be a public record, setting out in detail the work he has accomplished during the preceding month, the number of persons employed and for what, the amount of moneys expended and for what, and shall set out his appraisal of the condition of all public roads, highways and bridges in the county in which he holds office.

"Section 6. This Act shall not affect the Merit Law—Title 62 Section 110(3)—Section 110(9) approved September 2, 1949, or any amendment thereof.

"Section 7. Be it further enacted that all laws and parts of laws other than as enumerated in Section 6 hereof in conflict

with the provisions of this Act be and the same are hereby repealed."

Section 2. This Act shall take effect immediately upon its approval by the Governor of Alabama.

Approved August 19, 1971.

Time: 3:41 P.M.

Act No. 355

S. 441—Clark

AN ACT

Relating to Barbour County; further regulating the practice of cosmetology in such county particularly in reference to the licensing of managing cosmetologist and the serving of apprenticeships, as such terms are used and defined in Act No. 78, S. 72 of the Special Session 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act the term "licensed cosmetologist" shall mean a cosmetologist who has been duly licensed as such by the state board of cosmetology pursuant to Act No. 78, S. 72, Special Session 1961 (Acts of 1961, p. 1955), as amended, and the term "registered beauty shop" shall mean a beauty shop which has been registered with or by such board pursuant to said Act. The following words and phrases when used in this Act shall have the meanings ascribed to them in the above-cited Act No. 78 of the Special Session of 1961, as amended: "apprentice", "beauty shop", "managing cosmetologist", and "school of cosmetology".

Section 2. Any person who will conduct his business entirely within Barbour County shall be licensed by the state board of cosmetology as a managing cosmetologist without having served any time as a licensed cosmetologist in a registered beauty shop or school of cosmetology prior to application for such license, provided, such applicant complies with all other requirements for such license and in lieu of having completed the required time and studies for a complete course of cosmetology of not less than twelve hundred (1200) hours of continuous training, not to exceed more than eight hours in any one day, has completed such required time and studies for fifteen hundred (1500) hours of continuous training, not to exceed more than eight hours in any one day.

Section 3. Any provision of law to the contrary notwithstanding any person who is eligible to be registered as an apprentice pursuant to Act No. 78, S. 72 of the Special Session of 1961, and who is serving as an apprentice in a duly

registered beauty shop in Barbour County may also be enrolled in a school of cosmetology at the same time that such person is serving such apprenticeship.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act are supplemental and insofar as possible it shall be construed in pari materia with other laws regulating the practice of cosmetology; however the provisions of this Act shall supersede as to Barbour County the provisions of any other law, general, local or special, which are in conflict herewith and it is specifically provided that insofar as Act No. 78, S. 72 of the Special Session of 1961 (Acts 1961, p. 1955) conflicts with this Act it is superseded as to Barbour County.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 3:42 P.M.

Act No. 356

S. 502—Wilson

AN ACT

Relating to Walker County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Walker County Commission, or any succeeding county governing body performing the functions of the county governing body in said county, shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the Walker County public roads, highways, bridges and ferries, and shall, during his employment, reside in Walker County, Alabama.

Section 2. Said county engineer shall be appointed by the county commission from a nomination made by the state highway director. If said nomination is not acceptable to said county commission, the state highway director shall be requested to make additional nominations.

Section 3. It shall be the duty of the said engineer, (1) to employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges and ferries of Walker County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed; (2) to perform such engineering and surveying service as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, or construct new roads, or change old roads, but only when ordered to do so by proper order of the county commission; (5) it shall be his further duty, in so far as is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. The said county engineer is hereby designated as the person authorized to make written requisition upon the duly designated purchasing agency, for all articles, materials, supplies, and equipment necessary for the maintenance and construction of roads, bridges and ferries in Walker County.

Section 5. It shall be the duty of the county commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, highways, bridges and ferries, and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 6. The county commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from the Walker County treasury.

Section 7. The county commission shall furnish the county engineer with an office at the courthouse, or elsewhere, at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 8. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Walker County, and he shall be accountable for the same, at all times. The county commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on files in his

office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Walker County.

Section 9. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges and ferries of Walker County as may be set aside and appropriated by the county commission, as hereinafter provided; it shall be the duty of said county commission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Walker County for the current fiscal year, beginning on October 1st, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in Walker County during said period; provided however, that said county commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general law under the Budget Act, Title 12, Section 74, Code of Alabama 1940. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present County Commission of Walker County, immediately upon the passage of this Act, it shall be the duty of the county commission herein created to set aside a sufficient portion of said funds for the maintenance of said roads, bridges, and ferries until the annual budget is approved for the incoming year in October.

Section 10. The county engineer shall make written requisition to the chairman of the county commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repairs of public roads, bridges and ferries of Walker County. Said requisitions shall be filed and presented by the chairman to the county commission at its next meeting, for the approval of the county commission. Provided, however, that the chairman shall have full power and authority to make said purchases without first obtaining the approval of the whole county commission if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

Section 11. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies, purchased by Walker County Commission for use on

public roads, bridges, and ferries, when the same is delivered, and the same shall not be accepted and paid for without its first having been approved by him.

Section 12. It shall be the further duty of each associate member of the county commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the county commission with his recommendations; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-ways, and assist in public relations generally.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act shall become effective within 30 days upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 3:43 P.M.

Act No. 357

S. 515—Pierce, Jones

AN ACT

To amend the title and Sections 1 and 2 of Act Number 481, H. 872, Regular Session 1961, as amended, pertaining to providing recreational facilities and services for cities.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act Number 481, H. 872, Regular Session 1961, which authorizes certain cities classified on a population basis to provide recreational facilities and services; to provide for the creation, establishment, maintenance and support of a recreation board; to provide for the appointment of such board and to define its duties and powers, and the authority of such cities with respect to furnishing recreational facilities, independently or jointly with the county or city or county school board, is amended to read as follows:

“An Act to authorize the governing body of any municipality in the State of Alabama having a population of as many as 70,000 and not more than 135,000 people, according to the last or any subsequent decennial Federal Census, to provide recreational facilities and services for such city; to provide for the creation, establishment, maintenance and support of a rec-

recreation board in any such municipality; to provide for the appointment of such board and to define its duties and powers, and the powers and authority of any such municipality with respect to furnishing recreational facilities, independently or jointly with the county or city or county school board."

Section 2. Section 1 of Act Number 481, H. 872, Regular Session 1961 as amended is amended to read as follows:

"Section 1. The governing body of any municipality in the State of Alabama having a population of as many as 70,000 people and not more than 135,000 people according to the 1970 or any succeeding regular decennial Federal Census, may, by resolution or ordinance duly recorded in its minutes, create a recreation board in the manner herein provided."

Section 3. Section 2 of said Act Number 481, H. 872, Regular Session 1961, as amended, be and the same is hereby amended by adding Sub-section (a) at the end of said Section 2; said Sub-section (a) being as follows:

"Sub-section (a). - - After October 4, 1971, two additional members may be appointed to the park and recreation board of any municipality to which this Act applies, said additional members to have the same qualifications as the five members hereinbefore provided for. One additional member shall be appointed for a term of three years and the other additional member shall be appointed for a term of four years. As the terms of these members expire, their successors shall be selected for terms of five years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 3:44 P.M.

Act No. 358

S.550—Lybrand

AN ACT

Providing that in all counties having a population of not less than 95,000 nor more than 115,000 the Commissioner of Licenses shall collect a fee for taking an affidavit or affidavits when issuing a commercial motor vehicle tag and when making a transfer of any motor vehicle tag.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties of a population of not less than 95,000 and not more than 115,000 according to the last or any sub-

sequent federal census, the Commissioner of Licenses shall collect a fee of 25¢ for taking an affidavit or affidavits when issuing a Commercial motor vehicle tag and when making a transfer of any motor vehicle tag. He shall not collect or charge for any other acknowledgment or affidavit. The Commissioner of Licenses shall not be held liable for failing to charge or collect any such fee or compensation, except as noted above.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 3:45 P.M.

Act No. 359

S. 559—Hammond

AN ACT

Relating to DeKalb County; providing for the compensation of members of the jury commission and the Clerk of said Commission in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County each member of the jury commission and the clerk of said commission shall be paid the sum of fifteen dollars (\$15.00) per day for the time actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant drawn by the judge of probate of the county. The warrants shall be issued by the judge of probate only upon evidence satisfactory to him that such service has been rendered.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:46 P.M.

Act No. 360

S.560—Hammond

AN ACT

To regulate the compensation of the members of the county board of education in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of DeKalb County shall receive from the public school funds of the county, as compensation for their services, fifteen dollars (\$15) per day for each day in which they are actually attending meetings and transacting business of the board. The compensation herein provided shall be in addition to any expense or travel allowances provided members of such boards. Provided, however, the members of the DeKalb County Board shall not be allowed pay for more than twenty-four days in any one year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:47 P.M.

Act No. 361

S. 561—Hammond

AN ACT

To apply in DeKalb County; fixing the compensation of the chief clerk of the judge of probate of DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County, the chief clerk of the judge of probate shall be entitled to a salary of \$400 a month for the performance of his duties, which salary shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:48 P.M.

Act No. 362

S. 562—Hammond

AN ACT

Relating to DeKalb County; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of \$100,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of DeKalb County is hereby authorized and empowered to borrow money in anticipation of revenue not otherwise pledged in order to meet expenses for the current fiscal year. All such governing bodies are authorized and empowered to pledge such anticipated revenues for payment of such loan or loans. The total indebtedness of the county shall not exceed \$100,000.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:49 P.M.

Act No. 363

S. 563—Hammond

AN ACT

Relating to DeKalb County; providing for the payment of an expense allowance to the judge of the county court in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensation and allowances provided by law, the judge of DeKalb County shall receive an expense allowance of one hundred and fifty dollars (\$150) per month, payable out of the county treasury, upon his warrant drawn upon the county treasurer or other proper custodian.

Section 2. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:50 P.M.

Act No. 364

S. 564—Hammond

AN ACT

Relating to DeKalb County; to direct the county governing body to adjust the compensations of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The DeKalb County court of county commissioners, board of revenue, or other like county governing body is directed to adjust the compensations of the judge of probate, tax assessor, tax collector, and circuit clerk by providing for each an additional remuneration of fifty dollars (\$50.00) per month as cost-of-living provision. Such compensations shall be in addition to all other compensations heretofore provided and shall be payable out of the general fund of the county.

Section 2. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:51 P.M.

Act No. 365

S. 565—Hammond

AN ACT

Relating to DeKalb County; to provide an additional expense allowance for the members of the county board of education in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the DeKalb County board of education, shall be allowed and paid the sum of \$10.00 per meeting, to cover the expenses incurred by them in and about the attendance of such meetings and the performance of their duties as such officers. This allowance shall be in addition to any salary or per diem allowance now allowed by them by law. It shall be paid to them out of the public school funds of such county upon claims therefor, certifying attendance at the meeting for which the expense allowance is claimed, signed by the member claiming it.

Section 2. This Act becomes effective September 1, 1971.

Approved August 19, 1971.

Time: 3:52 P.M.

Act No. 366

S. 566—Hammond

AN ACT

Further regulating the meetings of the county board of registrars in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of DeKalb County may visit precincts and voting places in the performance of their official duties, as provided in Section 27, Title 17, Code of Alabama (1940), as amended, if the board, in its discretion, determines that such visits are needed; but if the board determines that such visits are not necessary, the members thereof may use that time to meet at the courthouse and receive applications for registration from persons residing anywhere in the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:53 P.M.

Act No. 367

S. 567—Hammond

AN ACT

Relating to DeKalb County to provide for taxing and collecting of additional costs in certain courts in such counties for public law library purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to provide funds for the maintenance of a public law library heretofore established in DeKalb County there shall be taxes as costs the sum of \$1.50 in each civil or quasi-civil action at law, in equity, criminal case, quasi-criminal case proceedings on a forfeited bail bond or proceedings or a forfeited bond given in connection with an appeal from a judgment of correction in any inferior municipal court of such county to the circuit court of the county or other court having jurisdiction of such appeals, hereinafter filed in, arising in or brought by appeal, certiorari or otherwise to the circuit court of the county or other court of the county having jurisdiction of appeals, which costs shall be collected by the clerk of said courts or the register in chancery thereof, as the case may be, and shall be paid to the county treasurer.

Section 2. There shall also be taxed as costs the sum of 75 cents in each criminal or civil case hereinafter filed in the inferior court of such county, which costs shall be collected as other costs in such cases are collected and when collected by the judge of said court shall be paid by him to the county treasurer.

Section 3. The tax herein provided shall be in lieu of all taxes or court costs charged or collected in such counties for public law library purposes. The sums herein provided to be paid to the county treasurer shall be kept by him in a separate fund designated as "Law Library Fund," and shall be expended by the presiding judge of the circuit court of the county, for maintaining said law library. Said presiding judge shall draw warrants on the county treasury for expenditures as hereinafter provided indicating on the warrants the funds against which the warrants are drawn.

Section 4. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:54 P.M.

Act No. 368

S. 568—Hammond

AN ACT

Authorizing the appointment of juvenile court officers in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of any statutory court in DeKalb County having and exercising jurisdiction in juvenile cases may appoint a juvenile court officer to conduct investigations and make reports in juvenile cases and to perform such other duties as the judge may require. The compensation of the juvenile officer shall be fixed by the governing body of the county, at a sum not to exceed \$300.00 a month. The salary of the juvenile officer, together with the cost of his office supplies, office rent, furniture, fixture and travel, not to exceed \$4,800.00 per annum altogether, shall be paid from the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:55 P.M.

Act No. 369

S. 569—Hammond

AN ACT

Relating to DeKalb County; providing for payment of salary to the Judge of the Inferior Court in DeKalb County, and to provide for all fees going to said court, to be paid into the general fund of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Judge of the Inferior Court of DeKalb County, shall receive as a salary the sum of \$6,000.00 per year, payable in equal monthly installments, out of the County Treasury upon his warrant drawn upon the County Treasurer, or other proper custodian.

Section 2. That all fees collected by such Inferior Court, and fines and forfeitures, not otherwise designated by law shall be paid into the General Fund of DeKalb County.

Section 3. Should any portion, parcel, paragraph or part of this Act be held unconstitutional, it shall not affect the balance of said Act.

Section 4. This Act becomes effective September 1, 1971.

Approved August 19, 1971.

Time: 3:56 P.M.

Act No. 370

S. 570—Hammond

AN ACT

Relating to DeKalb County; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars (\$5), which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee collected shall be credited to a special fund or account in the county treasury known as the sheriff's funds. The sheriff's fund shall be drawn upon by the sheriff and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit. The establishment of the sheriff's fund as provided in this Act shall in no way diminish or take the place of any other source of income established for the sheriff or the operation of his office. The remaining part of each fee collected shall be credited to the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:57 P.M.

Act No. 371

S. 571—Hammond

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in DeKalb County to prescribe the fee for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any persons, firm, or corporation desiring to operate a hunting or shooting preserve in DeKalb County on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulation prescribed by the director of conservation governing the operation of hunting preserves.

Section 2. Each hunting preserve shall contain a minimum of 100 acres in one tract of lease or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 3. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bobwhite quail, coturnix quail, pheasants, chuckar partridge, and such

other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 4. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section, and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 5. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 6. Bob-white quail and coturnix quail shall be tagged with self sealed tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators

shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 7. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the State Department of Conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in Section 6 thereof shall be determined.

Section 8. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regular established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 9. Duly authorized agents of the State Department of Conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 10. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the Director of Conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 3:58 P.M.

Act No. 372

S. 572—Hammond

AN ACT

To apply to DeKalb County; providing an expense allowance payable from the county treasury for the use of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County, the coroner shall be entitled to an allowance of not more than \$150.00 per month for expenses incurred in and about the performance of the duties of his office. The amount of such allowance shall be determined by the county governing body and shall be paid at the end of each month from any funds in the county treasury not otherwise appropriated. The allowance shall be in addition to all compensation, fees, and allowances heretofore provided by law.

Section 2. This Act is cumulative and shall take effect September 1, 1971.

Approved August 19, 1971.

Time: 3:59 P.M.

Act No. 373

S. 573—Hammond

AN ACT

To apply to DeKalb County; to provide an expense allowance for the chairman and members of the court of county commissioners, board of revenue or other like governing body in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County, the members of the court of county commissioners, board of revenue, or other like county governing body shall be entitled to an allowance for travel and other expenses in an amount not to exceed \$100 per month, and the chairman of such governing body shall be entitled to such allowance in an amount not to exceed \$200 per month. All such claims for the allowances provided herein shall be paid out of any available funds of the county upon the voucher of the chairman of the county governing body.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:00 P.M.

Act No. 374

S. 574—Hammond

AN ACT

Relating to DeKalb County; providing for the payment of an expense allowance to the county Solicitor or deputy district attorney in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensation and allowances provided by law the County Solicitor or deputy district attorney of DeKalb County shall receive an expense allowance of one hundred dollars (\$100.00) per month, payable out of the county treasury, upon warrant drawn upon the county treasury by the proper custodian.

Section 2. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:01 P.M.

Act No. 375

S. 575—Hammond

AN ACT

To apply to DeKalb County; providing an expense allowance for judge of the county court in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County, the judge of the county court shall be entitled to receive an expense allowance of \$600 per year, at the discretion of the court of county commissioners or other like county governing body, which allowance shall be paid in equal monthly installments at the end of each month from the general funds of the county. Such allowance shall be in addition to all compensation and allowances heretofore provided by law.

Section 2. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:02 P.M.

Act No. 376

S. 577—Hammond

AN ACT

Relating to DeKalb County; providing additional per diem pay from county funds for members of the county board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the DeKalb County board of equalization shall be paid five dollars per diem for each day's attendance upon the sessions of the board in addition to the compensation provided by Section 94 and 95, Code of Alabama 1940, as amended. The additional per diem pay shall be paid on order of the Chairman of the Board of Revenue out of any funds in the county treasury not otherwise appropriated.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:03 P.M.

Act No. 377

S. 578—Hammond

AN ACT

Relating to DeKalb County; to provide for the payment of per diem allowance to members of boards of registrars in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the boards of registrars of DeKalb County shall each receive \$5.00 per day to be paid by the county on order of the probate judge for each days attendance of the registrar upon the sessions of the board. The per diem provided for herein shall be payable from the general funds

of the county and shall be in addition to the compensation of registrars payable by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (Acts 1947, P. 388), as amended.

Section 2. The provisions of this Act are cumulative.

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:04 P.M.

Act No. 378

S. 635—Branyon

AN ACT

To amend the title and Section 1 of Act No. 594, S. 716, Regular Session 1969 (Acts 1969, p. 1081), which fixes the per diem pay for members of the county board of equalization of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 594, S. 716, Regular Session 1969 (Acts 1969, p. 1081) is amended to read as follows:

“An Act To apply only in counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census, fixing the per diem pay for members of the county board of equalization.

Section 2. Section 1 of said Act No. 594, S. 716, is amended to read as follows:

“Section 1. In all counties of the State of Alabama having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census, the members of the board of equalization shall each receive \$15 per day for each day's attendance upon the sessions of the board. The increase in pay provided for by this Act shall be paid from the general funds in the county treasury.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:05 P.M.

Act No. 379

S. 636—Branyon

AN ACT

To amend the title and Section 1 of Act No. 160, H. 54, Special Session 1961 (Acts 1961, p. 2108) which authorizes the county governing body to fix the compensation of deputy sheriffs in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 160, H. 54, Special Session 1961 (Acts 1961, p. 2108) is amended to read as follows:

“An Act To apply in but only in counties having a population of not less than 16,245 inhabitants, nor more than 16,300, according to the last or any subsequent federal decennial census; authorizing the county commission of such counties to fix the compensation of deputies sheriff.”

Section 2. Section 1 of said Act No. 160, H. 54, is amended to read as follows:

“Section 1. The county commission of any county having a population of not less than 16,245 nor more than 16,300 inhabitants, according to the last or any subsequent federal decennial census, is hereby authorized, directed and required to fix the annual salary of the chief deputy sheriff and the second deputy sheriff, whose compensation is payable from the county treasury, as follows: For the chief deputy sheriff, not less than two hundred nor more than three hundred dollars per month; for the second deputy sheriff, not less than one hundred seventy-five nor more than three hundred dollars per month.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:06 P.M.

Act No. 380

S. 637—Branyon

AN ACT

To amend the title and Section 1 of Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), which fixes the fee for issuance of a pistol permit by the sheriff and provides for the distribution and use of such funds, in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560) is amended to read as follows:

“An Act To apply in counties having populations of not less than 16,245 nor more than 16,300; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.”

Section 2. Section 1 of said Act No. 194, S. 417, is amended to read as follows:

"Section 1. In all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which fee shall be collected by the sheriff and deposited in the county treasury. Four-fifths of such fees shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for the purchase of equipment, materials, and supplies needed in the sheriff's department, and the remainder shall be paid into the general fund of the county and may be used for general fund purposes."

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:07 P.M.

Act No. 381

S. 638—Branyon

AN ACT

To amend the title and Sections 1 and 3 of Act No. 1092, S. 907, Regular Session 1969 (Acts 1969, p. 2077) which provides for the election and qualifications of members of the county governing body in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 1092, S. 907, Regular Session 1969 (Acts 1969, p. 2077) is amended to read as follows:

"An Act Relating to counties having populations of not less than 16,245 nor more than 16,300; to provide for the election and qualifications of members of the county commission of any such county."

Section 2. Section 1 of said Act No. 1092, S. 907, is amended to read as follows:

"Section 1. Members of the county commission of any county having a population of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census shall be elected by the qualified electors of the county at large, but no person shall be eligible as a candidate for member of the county commission unless he is a bona fide resident of the district he seeks to represent. Each member of the county

commission must reside in the district he represents during his continuance in office."

Section 3. Section 3 of said Act No. 1092, S. 907, is amended to read as follows:

"Section 3. This Act shall become effective upon the expiration of the term of the incumbent members of the county commission of any such county."

Approved August 19, 1971.

Time: 4:08 P.M.

Act No. 382

S. 639—Branyon

AN ACT

To amend the title and Section 1 of Act No. 1006, S. 832, Regular Session 1969 (Acts 1969, p. 1880), which regulates the compensation of jurors in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 1006, S. 832, Regular Session 1969 (Acts 1969, p. 1880) is amended to read as follows:

"An Act To regulate the compensation of jurors in counties having populations of not less than 16,245 nor more than 16,300."

Section 2. Section 1 of said Act No. 1006, S. 832, is amended to read as follows:

"Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, regular jurors, grand and petit, shall each be entitled to ten dollars (\$10) for each day's service, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury."

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:09 P.M.

Act No. 383

S. 640—Branyon

AN ACT

To amend the title and Section 1 of Act No. 190, S. 409, Regular Session 1969 (Acts 1969, p. 504) which increases the salary of the deputy solicitor of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 190, S. 409, Regular Session 1969 (Acts 1969, p. 504) is amended to read as follows:

“An Act Relating to counties having a population of not less than 16,245 nor more than 16,300; increasing the salary of the deputy solicitor in such counties.”

Section 2. Section 1 of said Act No. 190, S. 409, is amended to read as follows:

“Section 1. In any county having a population of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census, the salary of the deputy solicitor in such county shall be \$3,600 per year, payable from the general funds of the county in equal monthly installments.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:10 P.M.

Act No. 384

S. 641—Branyon

AN ACT

To amend the title and Section 1 of Act No. 66, H. 32, Special Session 1964 (Acts 1964, p. 87) which regulates the compensation of election officers in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 66, H. 32, Special Session 1964 (Acts 1964, p. 87) is amended to read as follows:

“An Act Regulating the compensation of election officers in counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census.”

Section 2. Section 1 of said Act No. 66, H. 32, is amended to read as follows:

“Section 1. At all elections hereafter held in counties having populations of not less than 16,245 nor more than 16,300,

according to the most recent federal decennial census, the officers appointed to hold the election shall each be entitled to ten dollars. The returning officer shall also be entitled to mileage as prescribed in Code of Alabama Recompiled 1958, Title 17, Section 198. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. However, amounts paid to election officers under this Act for per diem or mileage in excess of the amounts prescribed by general laws shall not in any case be reimbursable by the State."

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:11 P.M.

Act No. 385

S. 642—Branyon

AN ACT

To amend the title and Section 1 of Act No. 13, H. 25, Third Special Session 1965 (Acts 1965, p. 217) which authorizes the county governing body to appropriate and use certain county funds and to designate and use certain county property in order to qualify for and receive federal assistance under the federal Economic Opportunity Act of 1964, in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 13, H. 25, Third Special Session 1965 (Acts 1965, p. 217) is amended to read as follows:

"An Act Relating to counties having a population of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; to authorize the county commission in any such county to appropriate and use certain county funds and to designate and use certain county property, buildings, and facilities in order to qualify for and receive federal assistance under the federal Economic Opportunity Act of 1964."

Section 2. Section 1 of said Act No. 13, H. 25, is amended to read as follows:

"Section 1. The county commission in any county of the state having a population of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census shall have authority to appropriate and use such sums from the general funds of the county not otherwise appropriated, and to designate and use such county property, buildings, and facili-

ties, as may be necessary to enable the county to participate in programs and receive benefits and funds provided for and made available by and from the federal government under Public Law 88-452, known as the Economic Opportunity Act of 1964, as approved by Congress on August 20, 1964, when such county commission, in its discretion, considers such action to be in the best interests of the county. Provided, however, that such sums and such property, buildings, and facilities shall not be appropriated, designated, or used in any manner which conflicts with the Constitution or statutes of the State of Alabama."

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:12 P.M.

Act No. 386

S. 643—Branyon

AN ACT

To amend the title and Section 1 of Act No. 107, H. 381, Regular Session 1963 (Acts 1963, p. 488), which increases the pay of all employees of the county board of education in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 107, H. 381, Regular Session 1963 (Acts 1963, p. 488) is amended to read as follows:

"An Act Relating to counties having populations of not less than 16,245 nor more than 16,300; providing increases in pay for all employees of the county board of education in such counties."

Section 2. Section 1 of said Act No. 107, H. 381, is amended to read as follows:

"Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, the county board of education shall provide every person regularly employed by it, except school bus drivers, an increase in pay in an amount equal to 17.6 percent of his or her base pay as now fixed or provided; and every school bus driver's pay shall be increased to a minimum amount of not less than \$100 a month."

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:13 P.M.

Act No. 387

S. 644—Branyon

AN ACT

To amend the title and Section 1 of Act No. 95, H. 276, Regular Session 1963 (Acts 1963, p. 481), which regulates the compensation of the county superintendents of education in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 95, H. 276, Regular Session 1963 (Acts 1963, p. 481), is amended to read as follows:

“An Act Relating to counties having populations of not less than 16,245 nor more than 16,300; regulating the compensation of the county superintendents of education of such counties.”

Section 2. Section 1 of said Act No. 95, H. 276, is amended to read as follows:

“Section 1. The county superintendents of education of all counties of the state having populations of not less than 16,245 nor more than 16,300, according to the last or any subsequent federal decennial census, shall be fixed by the county boards of education of such counties at a sum equal to the amount of compensation as now fixed by such boards, plus 17.6 per cent thereof, to be paid at the same times and in the same manner as now provided for payment of compensation of county superintendents of education in such counties.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:14 P.M.

Act No. 388

S. 645—Branyon

AN ACT

To amend the title and Section 1 of Act No. 67, H. 33, Special Session 1964 (Acts 1964, p. 88) which relates to closing the office of officials in the courthouse in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 67, H. 33, Special Session 1964 (Acts 1964, p. 88) is amended to read as follows:

“An Act To apply only in counties having populations of not less than 16,245 nor more than 16,300, relative to closing the office of officials in the courthouse.”

Section 2. Section 1 of said Act No. 67, H. 33, is amended to read as follows:

"Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, the county commission may, by resolution, authorize all of the offices of the officials in the county courthouse to close all day on Saturday of each week. If such a resolution is so adopted, notice thereof shall be posted at the courthouse door and notice thereof shall be published otherwise in such manner as the county commission may direct."

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:15 P.M.

Act No. 389

S. 646—Branyon

AN ACT

To amend the title and Section 1 of Act No. 68, H. 34, Special Session 1964 (Acts 1964, p. 88) which provides further for the compensation of the coroner in certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 68, H. 34, Special Session 1964 (Acts 1964, p. 88) is amended to read as follows:

"An Act Relating to counties having populations of not less than 16,245 more than 16,300, according to the most recent federal decennial census, providing further for the compensation of the coroner in such counties."

Section 2. Section 1 of said Act No. 68, H. 34, is amended to read as follows:

"Section 1. In counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, the coroner shall be entitled to a salary of fifty dollars (\$50.00) per month, such salary to be paid out of monies in the county treasury not otherwise appropriated. Such salary shall be in addition to all fees, commissions, and mileage allowance heretofore allowed by law."

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:16 P.M.

Act No. 390

S. 647—Branyon

AN ACT

To amend the title and Section 1 of Act No. 191, S. 71, Special Session 1969 (Acts 1969, p. 254) which regulates the compensation and number of meetings of members of the boards of education of certain counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 191, S. 71, Special Session 1969 (Acts 1969, p. 254) is amended to read as follows:

“An Act Relating to counties having populations of not less than 16,245 nor more than 16,300; regulating the compensation and number of meetings of members of the county boards of education of such counties.”

Section 2. Section 1 of said Act No. 191, S. 71, is amended to read as follows:

“Section 1. The members of the county boards of education of all counties having populations of not less than 16,245 nor more than 16,300, according to the last or any subsequent federal decennial census, shall each receive from the public school funds of the county the per diem compensation now prescribed by law and their actual traveling and hotel expenses incurred in attending meetings of the board and in transacting the business of the board. The members of the board shall not be allowed pay for more than twenty-four days in any one year and their expenses shall be paid in the manner provided for payment of compensation of teachers of such counties.”

Section 3. This Act shall become effective September 1, 1971.

Approved August 19, 1971.

Time: 4:17 P.M.

Act No. 391

S. 682—Jones

AN ACT

For the relief of Clyde Royal; authorizing the Montgomery County Commission to appropriate funds from the Gasoline Tax Fund for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The Montgomery County Commission is hereby authorized to add to the amount now being paid under the provisions of Act No. 25 of the 1961 Special Session of the Legis-

lature of Alabama the amount of \$20.00 for the relief of Clyde Royal to compensate him for damages sustained as a result of injuries he received while acting within the line and scope of duties as an employee of Montgomery County. The injuries sustained were incurred under such circumstances that said County is obligated to pay such additional incurred damages, but said Clyde Royal has no recourse at law to recover; and Mrs. Clyde Royal shall continue to receive such additional amount of \$20.00 per month as specified under the provisions of Act No. 25 of the 1961 Special Session of the Legislature of Alabama in the event she survives Mr. Clyde Royal.

Section 2. This act shall become effective immediately upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 4:18 P.M.

Act No. 392

S. 747—Lybrand

AN ACT

To provide further for the Court Reporters salary in all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census.

Section 2. The governing bodies of all such counties shall have the authority to establish the Circuit Court Reporters salary at \$10,000 a year to be paid from the general fund of said counties.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 4:20 P.M.

Act No. 393

S. 749—Lybrand

AN ACT

Relating to counties having populations of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census; providing for the distribution of a portion of the county's share of the state gasoline excise tax to the incorporated municipalities in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissions or other like governing bodies of all counties having populations of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census, are hereby authorized and directed to appropriate and set aside seventeen and one-half percent (which amount shall include the ten percent authorized to be so appropriated and set apart by Act No. 224, H. 220 of the First Special Session of 1967, cited below) of the county's share of the state gasoline excise tax provided for by Act No. 224, H. 220, First Special Session 1967, to be distributed to the several incorporated municipalities in the county on the basis of the ratio of the population of each municipality to the total population of all municipalities in the county according to the most recent federal decennial census.

Section 2. The funds required to be appropriated and set aside by the provisions of this act shall be appropriated for the fiscal year commencing October 1, 1971, and each fiscal year thereafter; and shall be paid to the respective municipalities monthly as soon as practicable after the county receives its portion of the state gasoline tax. All moneys received by municipalities under this act shall be used and expended exclusively for the construction, improvement and maintenance of highways and streets, for traffic control, and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues may be pledged.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1971.

Time: 4:19 P.M.

COMMENDING THE ALABAMA CATTLEMEN'S ASSOCIATION

WHEREAS the Alabama Cattlemen's Association, which is the largest Cattlemen's Association in the world, having over 12,000 members with an affiliated county association in each of the state's 67 counties, recently entertained the members of the Legislature with a most enjoyable BEEF BONANZA; and

WHEREAS the Alabama Cattlemen's Association, through its fine programs, has developed and promoted beef cattle into a one billion dollar industry and beef cattle is now one of the state's largest and most important industries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we wish to thank E. H. Wilson and the officers, directors and members of the Alabama Cattlemen's Association for their gracious hospitality upon this most delightful occasion, and for their expressions of confidence in the Legislature of Alabama. We hardly commend them upon their accomplishments in the beef cattle industry, and in making their organization the largest of its kind in the world.

BE IT FURTHER RESOLVED that the Clerk of the House send a copy of this resolution to Mr. E. H. Wilson with the suggestion that it be published in the magazine, the "ALABAMA CATTLEMAN."

Approved August 19, 1971.

Time: 4:21 P.M.

Act No. 395

H.J.R. 119—Dill

HOUSE JOINT RESOLUTION

DEMANDING PROPER OPERATION OF RAILROAD YARDS

WHEREAS Leo Bruce Brackin, of Sheffield, Alabama, was recently killed and another person seriously injured by the ramming of an automobile by a railroad car, as a result of improper switching by supervisory personnel operating the yard because of a strike; and

WHEREAS Code of Alabama 1940, Title 48, Sections 179, 180, and 181 provide for the proper qualifications and examinations of switchmen and other railroad technicians, for the good of the general public; and

WHEREAS it is the responsibility of the Alabama Public Service Commission to oversee the proper and safe operation of all common carriers in this State; and

WHEREAS labor disputes notwithstanding, the safety of the general public must be the first concern of all persons, associations or corporations engaged in any operation dangerous to that public, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby demands that the Alabama Public Service Commission invoke and enforce the Code provisions cited above, and require that only trained and qualified personnel operate yards and mainline operations where the lives of the general public are placed in jeopardy.

BE IT FURTHER RESOLVED, That this body is deeply disturbed by the blatant disregard of the law, and if compliance is not immediately forthcoming will take further legislative action to protect the public.

Approved August 19, 1971.

Time: 4:22 P.M.

Act No. 396

H.J.R. 121—Coshatt

HOUSE JOINT RESOLUTION

COMMENDING ARMY SERGEANT JOHN F. CANNON OF PELL CITY UPON WINNING THE BRONZE STAR IN VIETNAM

WHEREAS Sgt. John F. Cannon of the United States Army and the son of Mr. and Mrs. Joseph Cannon of Pell City, Alabama, has been awarded the bronze star medal for heroism while serving in Vietnam; and

WHEREAS Sgt. Cannon earned this distinguished medal while assigned to the First Battalion, Sixth Infantry, of the 196 Infantry Brigade, 23rd Infantry Division near Da Nang, Vietnam; and

WHEREAS we are all proud of this fine young soldier; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do most heartily congratulate Sgt. John F. Cannon upon his being awarded the bronze medal for heroism.

BE IT FURTHER RESOLVED That the Clerk of the House is directed to send a copy of this resolution to Sgt. Cannon.

Approved August 19, 1971.

Time: 4:23 P.M.

Act No. 397

H.J.R. 125—Hobbie, Straiton, Jones (F),
Taylor, Harris

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT W. BRASINGTON

WHEREAS Robert W. Brasington, Age 68 and a life long resident of Montgomery, Alabama died on July 21, 1971; and

WHEREAS Robert W. Brasington was a dedicated and devoted fireman for 32 years; and

WHEREAS Robert W. Brasington was appointed an engineer in 1928 and rose to lieutenant in 1943; and

WHEREAS he is greatly mourned by his family and friends; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they express their sincere sorrow at the passing of this outstanding man and do pass this resolution as a memorial to his exemplary life, his benevolence and service to his fellow man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Minnie E. Brasington.

Approved August 19, 1971.

Time: 4:24 P.M.

Act No. 398

H.J.R. 126—King, Grainger, Lutz, Hale

HOUSE JOINT RESOLUTION

COMMENDING MADISON COUNTY COMMISSION ON WINNING CERTAIN NATIONAL AWARDS.

WHEREAS the Madison County Commission in competition with 3,079 counties in the nation won three national awards in July, 1971, at the National Association of Counties' Convention in Milwaukee for its outstanding achievements in the field of county government; and

WHEREAS no other county in the South has ever won three such awards in one year; and

WHEREAS the awards were for excellence in the field of waste control, a field that saw Madison County begin the first county-wide garbage collection system in the nation, the street lighting program in which Madison County was first in the South, and the county street sign system, its unique recreation program and its road mapping program, which was deemed the most comprehensive ever done in a county in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it does extend its most hearty congratulations to the Madison County Commission and to all citizens of Madison County for winning these national awards.

BE IT FURTHER RESOLVED That the Clerk of the House send a copy of this resolution to the local news media in Madison County and a copy to each member of the Madison County Commission.

Approved August 19, 1971.

Time: 4:25 P.M.

Act No. 399

H.J.R. 129—Smith (P)

HOUSE JOINT RESOLUTION

NAMING THE NEW AGRICULTURE AND INDUSTRIES BUILDING THE "RICHARD BEARD BUILDING"

WHEREAS the Honorable Richard Beard, who is currently serving his second term as Commissioner of the State Department of Agriculture and Industries, has long been recognized for his outstanding service to farmers and cattlemen of this state; and

WHEREAS Mr. Beard, who is a graduate of Washington and Lee University, has for nearly forty years owned and operated Glendale Farms in Jefferson County, near Trussville, where, with his family, he engaged in large scale diversified farming, in the production of purebred Angus cattle, and in the operation of the Glendale Farms Mill and Supply Store; and

WHEREAS Mr. Beard has actively promoted the development of progressive methods for farming, the production of improved breeds of cattle, soil and water conservation, better land use, and the means of financing farm operations; and through

his leadership in numerous associations he has rendered most effective services; and

WHEREAS Mr. Beard has for ten years been a director and officer of the Alabama Cattlemen's Association of which organization he was president during the years 1965 and 1966; he is a member of the Birmingham Area Chamber of Commerce Agricultural Committee; is past president of the Birmingham Agricultural Club; is immediate past president of the Southern Association of State Commissioners of Agriculture; is past president of the Advisory Council of the Farmers' Home Administration; is past president of the Alabama Soil Conservation District Supervisors; is on the board of directors of the Anniston Production Credit Association; is a former member of the Trussville City Council; is past president of the Trussville Civitan Club and is an elder of the Trussville Presbyterian Church; in 1968 he was named Man of the Year by the Progressive Farmer Magazine for his service to Alabama agriculture and in 1969 he was honored by the Alabama Farm Bureau for his outstanding service to agriculture; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new building for the Department of Agriculture and Industries be designated, named and known as the Richard Beard Building as a fitting tribute to a gentleman who has rendered such exceptional and outstanding service to the State of Alabama.

Approved August 19, 1971.

Time: 4:26 P.M.

Act No. 400

H.J.R. 130—Wise, Jackson

HOUSE JOINT RESOLUTION

RESOLUTION TO RECOGNIZE THE MUSKOGEE (CREEK) INDIAN NATION AND THE CHIEF THEREOF

WHEREAS, the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River has contributed so greatly to the heritage and traditions of the State of Alabama, and;

WHEREAS, the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River continues to preserve and foster the authentic traditions and folklore of the Muskogee (Creek) Indian people, and;

WHEREAS, the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River holds a corporate charter under

the laws of the State of Alabama registered in the office of the Judge of Probate of Covington County in Andalusia, Alabama, and;

WHEREAS, the annual Pow-Wow of the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River is to be held in Florala, Covington County, Alabama, an area steeped in the long traditions and folklore of the Muskogee (Creek) Indian people, with some five hundred Muskogee (Creek) Indians from seven states in attendance, and;

WHEREAS, the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi has been and will continue to be a center of attraction for the tourist industry as an authentic Indian Tribe enabling visitors to Alabama to obtain a better understanding of the traditions of the American Indian, the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River, the State of Alabama and Covington County and Florala, Alabama, and;

WHEREAS, the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River will prove an added attraction at the new State Park on Lake Jackson in Covington County, Alabama, and;

WHEREAS, Arthur R. Turner, great-great grandson of Chief William McIntosh, Jr. of Carroll County, Georgia, is serving as Principal Chief of the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River under the Old Traditional Laws of the Muskogee (Creek) Tribes, with a General Council of eighteen members,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses thereof concurring, that the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River, now Mississippi, Alabama, Georgia, and Florida is recognized as a Tribe of people.

BE IT FURTHER RESOLVED, that recognizing that Covington County is an area with long and honored ties with the Muskogee (Creek) Indian Tribes, Florala, Alabama is hereby proclaimed as Capitol of the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River; and

BE IT FURTHER RESOLVED, that the present Principal Chief, Arthur R. Turner, and the present General Council are recognized as the leaders of the Muskogee (Creek) Indian Nation or Tribes East of the Mississippi River; and

BE IT FURTHER RESOLVED, that the Principal Chief and the official Attorney of the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River will be the official

representatives of the Muskogee (Creek) Indian people and the Tribes, the official Attorney to be chosen by the Principal Chief and the General Council; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the present Principal Chief of the Muskogee (Creek) Indian Nation or Tribe East of the Mississippi River, the Secretary of the Interior Washington, D.C., the Governor of Alabama, and the Attorney General of Alabama.

Approved August 19, 1971.

Time: 4:27 P.M.

Act No. 401 H.J.R. 132—Erdreich, Bank, Doss, Falkenburg,
Timmons, Dill, Wallace, Bowers,
Parker (H), Adwell, Jones (E),
Meeks, Gloor, Boutwell,
Waggoner, Cherner, Robertson

HOUSE JOINT RESOLUTION

WHEREAS, the late Mr. R. L. Zeigler made major contributions to the State of Alabama through the organization and development of one of Alabama's largest and most successful meat packing industries and during a long and successful career gave of his time and resources to many humanitarian causes including the University of Alabama Medical Center; and

WHEREAS, Mrs. R. L. Zeigler worked closely with him and materially contributed to both his success in business and to many humanitarian causes which he supported and has entered into an agreement to donate to the University of Alabama Medical Center the sum of \$500,000.00 to be used to match Federal and State funds expended in the construction of a Medical Research Building at a total cost of \$4,710,000.00; and

WHEREAS, this Legislature deems it fitting that this facility should bear the name of this philanthropic couple; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby designates the medical research building constructed in the University of Alabama Medical Center immediately south of the Lyons-Harrison Research Building as the "Rebel and Sophie Zeigler Medical Research Building" in honor of Mrs. R. L. Zeigler and as memorial to the late Mr. R. L. Zeigler.

Approved August 19, 1971.

Time: 4:28 P.M.

Act No. 402

H.J.R. 137—Carnes, Waldrop, Wynot

HOUSE JOINT RESOLUTION

WHEREAS, E. N. Prater, founder and director of the Gadsden State Technical Trade School, has earnestly and tirelessly dedicated himself to the Gadsden State Technical Trade School since its inception; and

WHEREAS, Said E. N. Prater has demonstrated the highest ideals of leadership and utmost loyalty to his duties.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That as a fitting tribute to the said E. N. Prater, the Administration Building at Gadsden State Technical Trade School is hereby designated the E. N. Prater Building, and appropriate plaques shall be installed thereon.

BE IT FURTHER RESOLVED That copies of this resolution be sent to said E. N. Prater and his family.

Approved August 19, 1971.

Time: 4:29 P.M.

Act No. 403

H. 330—Hill, Wood, Flipppo, Drake

AN ACT

REQUIRING THE REGISTRATION AND LICENSING OF BARBERS AND BARBER APPRENTICES, AND BARBER COLLEGES, CREATING FOR THE ADMINISTRATION OF THIS ACT A STATE BOARD OF BARBER EXAMINERS, AND DEFINING VIOLATION OF THIS ACT AND PRESCRIBING PENALTIES THEREFOR.

Be It Enacted by the Legislature of Alabama:

Section 1. "THE PRACTICE OF BARBERING" as used in this act is hereby defined to mean any one or combination of the following practices, when done upon the human male body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally:

(1) Shaving or trimming the beard or trimming the hair.

Section 2. No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the Board of Barber Examiners.

No person shall serve or attempt to serve as an apprentice under a registered barber without a certificate of registration as a registered apprentice, issued by the Board of Barber Examiners.

No person shall permit any person in his employ or under his supervision or control to practice as a barber or as an apprentice unless the latter person has a certificate of registration as a registered barber or apprentice, issued by the Board of Barber Examiners.

No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full time in the same shop.

No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, who is engaged in barbering full time in the same shop.

Students in certified barber colleges may perform acts including the practice of barbering, but only as clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

The examination of applicants for a license to practice a classified profession as designated under this Act shall be conducted under the rules prescribed by the said Board and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies or subjects as the Board may determine necessary for the proper and efficient performance of such practices.

Section 3. Any person who can establish within six (6) months after the passage of this Act that he is a barber or an apprentice as defined under this Act and can establish reasonable proof that he is practicing barbering in a barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this Act. This Section will not be construed to mean anyone except the barbers now practicing in the State of Alabama and instructors in barber colleges under the State Vocational Schools.

The following persons are specifically exempt from the provisions of this Act while in the proper discharge of their professional duties:

(1) Persons authorized by law to practice medicine or surgery;

(2) Commissioned medical or surgical officers of the armed forces of the United States;

(3) Registered nurses; and

(4) Persons authorized by law to practice cosmetic therapy or beauty culture.

All instructors operating under the State Vocational Schools shall be exempt from qualifying fees. The instructors shall receive an instructor's certificate by paying the annual renewal fee as this Act prescribes. All future instructors will be subject to all provisions of this Act relating to instructors or assistant instructors.

All State operated barber colleges shall be exempt from fees.

Section 4: No person shall act as instructor or assistant instructor in a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor or an assistant instructor at the barber college unless he has a current and valid certificate of registration as an instructor or assistant instructor, issued by the Board of Barber Examiners.

The Board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all of the following:

(1) He files an application with the Board in such form as it may prescribe, accompanied by the required fee.

(2) He is of good moral character and temperate habits.

(3) He holds a diploma evidencing successful completion of high school, or has the equivalent education as determined by an examination conducted by the Board and approved by the Vocational Educational Division of the Department of Education.

(4) He has held a valid certificate of registration as a barber in Alabama and has practiced barbering in Alabama for at least the last three years before issuance of the instructor's certificate.

(5) He has graduated from a barber college in a course embracing all the theory and scientific manipulation taught in barber schools.

(6) He satisfactorily passes an examination conducted by the Board to determine his fitness to be an instructor.

Assistant instructors must comply with each of the above requirements in order to obtain a certificate of registration as an assistant instructor except that they need have held a barber's certificate and practiced barbering in Alabama for only 18 months prior to the issuance of the assistant instructor's certificate of registration.

Section 5: No person shall be admitted to examination or receive a license to practice barbering under this Act, except as otherwise provided in this Act, unless such person shall possess the following qualifications:

(1) He shall pay the original licensing fee as hereinafter provided for;

(2) He is at least 18 years of age;

(3) He is of good moral character and temperate habits;

(4) He has practiced as a registered apprentice in Alabama for not less than eighteen (18) months under the immediate supervision of a registered barber and

(5) He passes satisfactorily an examination conducted by the Board to determine his fitness to practice barbering. Any applicant for such a certificate of registration who fails to satisfactorily pass an examination conducted by the Board shall have the right to apply again for another examination after a period of six (6) months and he may continue to apply every six (6) months thereafter until he has passed such examination, provided he has practiced as an apprentice during said time.

No person shall be admitted to examination or receive a license as an apprentice under this Act, except as otherwise provided for in this Act, unless such person shall possess the following qualifications:

(1) He shall pay the original licensing fee as hereinafter provided for;

(2) He is at least (16) years of age;

(3) He is of good moral character and temperate habits;

(4) He has graduated from a barber college or school of barbering approved by the Board and;

(5) He passes satisfactorily an examination conducted by the Board to determine his fitness to practice as a registered apprentice.

Section 6. As used in this Act, "BARBER COLLEGE" includes a school of barbering, college of barbering, barber school, and any other place or institution for the instruction or training of persons in the practice of barbering.

No person shall operate a barber college unless he holds a certificate of registration in good standing therefor issued by the Board and unless such certificate is displayed at all times in a conspicuous place on the premises.

The Board shall issue a certificate of registration for each college which complies with this Act and the regulations of the Board.

An applicant for a certificate of registration to operate a barber college shall file an application with the Board in such form as the Board may prescribe, accompanied by the fee required by this Act. Upon receipt of the application, the Board shall require the applicant, if an individual, or if the applicant is a firm partnership or corporation, a partner or officer thereof, to appear personally before the Board and submit information, in such form as the board may by regulation prescribe, showing:

(1) The location of the proposed college and its physical facilities and equipment.

(2) The proposed maximum number of students to be trained at one time and the number of instructors to be provided.

(3) The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise.

(4) The financial ability of the applicant to operate the college in accordance with the requirements of this Act and the regulations of the Board; and

(5) Such other information as the Board considers necessary.

Prior to the issuance of the certificate, the Board or its representative shall inspect the college and shall determine that it complies with this Act and the regulations of the Board. Before making such inspection, the Board may require the applicant to furnish such evidence as is necessary to show compliance with any local laws governing the operation of barber colleges in the particular locality in which the college is to be located.

Section 7. For the purposes of the Act and the regulations of the Board, each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a barber college, and a separate certificate shall be required for each. However, facilities at which the practice of barbering or any part thereof is taught which are operated or maintained by a college in the same central area as the main establishment of the college shall not be deemed for the purposes of this Act, to be a separate college. No such facility shall be operated or maintained by a college until and unless each has been inspected and approved by the Board in the same manner as is required before a certificate to operate a college may be issued, the fee prescribed by this Act paid and a certificate to operate and maintain the particular facility is issued by the Board.

In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare, the Board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located, giving particular consideration to:

- (1) The economic character of the community.
- (2) The adequacy of existing barber shops and barber colleges in that community.
- (3) The ability of the community to support the proposed barber college.
- (4) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities.
- (5) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located and on the adjacent communities.
- (6) The expressed opinion of the registered barbers in the area of the proposed college, as evidenced in person or by written petition to the Board.

No barber college shall be approved by the Board unless it requires as a prerequisite to graduation a course or instruction of not less than 1000 hours. The Board shall approve all hours of instruction given by any of the State educational institutions and schools.

The course of instruction shall include the following subjects: Scientific fundamentals of barbering, hygiene, bacteriology; history of the head, face and neck; elementary chemistry as it relates to sterilization and asepsis; diseases of the skin, hair glands; and the massaging and manipulation of the mus-

cles of the body above the seventh cervical vertebra; hair cutting and shaving; and the arranging, dressing, coloring, bleaching and tinting of the hair.

Section 8. The Board shall have the power to refuse, revoke and suspend licenses and certificates strictly in accordance with the provisions of this Act, upon proof of violation of any sections of this Act. The members of the Board shall have the power to administer oaths and shall have the power to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing on any matter which the Board has the authority to investigate, and for that purpose may require the secretary of the Board to issue a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or may be found, which subpoenas and subpoenas duces tecum shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as allowed in the Circuit Court of this State. Such fees and mileage shall be paid from the fund of the Board on deposit in the Treasury for the use of the Board in the same manner as other expenses of the Board are paid. The Board must subpoena all witnesses from whom subpoena is requested by the applicant, licensee or holder of a certificate, provided, however, that such request shall be made in writing to the secretary of the Board at least 10 days prior to the date set for the hearing. All fees and mileage of the sheriff and witnesses subpoenaed at the request of such applicant, licensee or holder of a certificate shall be paid by the applicant, licensee or holder of a certificate, and execution may issue therefor in civil cases in the Circuit Courts of this State.

The Board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this Act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this Act. Provided, however, the Board shall not on any of the grounds in this section stated, refuse to issue or renew any license or certificate nor shall it revoke or suspend any such license or certificate already issued, except after a hearing, of which the applicant or licensee or the holder of the certificate affected shall be given at least twenty (20)

days notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the Board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business.

Findings made by the Board are deemed conclusive, unless within thirty (30) days after notice of the decision of the Board has been given an aggrieved party, said aggrieved person shall appeal said finding or ruling to the Circuit Court of the County of his residence, or to the Circuit Court of Montgomery County. In the event of such appeal, the Circuit Court shall hear the same *de novo*. Such appeal shall be taken by the filing with the Board and the Clerk of the Circuit Court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the Circuit Court of the county of his residence or to the Circuit Court of Montgomery County. Such aggrieved person shall have a right to demand trial by jury by demanding same at the time of the filing with the Board of the notice of appeal. The action of the Board shall be stayed pending such appeal. The Circuit Court shall have the right to affirm, reverse or affirm in part or reverse in part the finding of the Board and shall render such final judgment as to the court may seem just and proper.

In the event the decision of the Board is affirmed the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the Board is not affirmed in whole the court shall in its discretion tax such cost of appeal against the Board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the Board is not affirmed in whole.

Section 9: The holder of a certificate or license issued by said Board as provided by this Act who continues in active practice of said profession within the meaning of this Act shall on or before the 1st day of January renew his or her certificate or license and pay the renewal fee. A certificate or license which has not been renewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year. The holder of the expired certificate or license may have within three (3) years of the date of expiration, the certificate re-

stored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practice or profession. The restoration fee shall be the fee for the current year. The first certificates or licenses issued under this Act shall be valid until January 1, 1972.

Section 10: Any person, firm or corporation, who shall engage in any of the practices designated to be within the meaning of this Act, or act in any capacity wherein a certificate or license is required without a certificate or license provided in this Act, or shall in any other form or manner violate any of the provisions of this Act shall be guilty of a misdemeanor and shall be fined not to exceed \$100.00 or shall be imprisoned for no more than ninety (90) days or both, and if a corporation shall be punished by a fine of no more than \$500.00. After official notice of such violation, each day of operation or practice constitutes a separate violation.

Section 11: The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required under this Act shall be as follows:

(1) For an examination to determine the qualification of an applicant, \$10.00.

(2) For an examination to determine the qualifications of an applicant from another state, \$25.00.

(3) For an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor, \$30.00.

(4) For the issuance of the initial certificate to operate a barber college, \$300.00.

(5) For each annual renewal of a barber's or apprentice's certificate, \$10.00; provided however, that in cities and unincorporated towns of 2,000 or less according to the last Federal decennial census, the fee shall be \$5.00.

(6) For each annual renewal of an instructor's or assistant instructor's certificate \$20.00.

(7) For each annual renewal of a certificate to operate a barber college, \$100.00.

(8) For the restoration of any expired certificate except for a barber college, \$10.00.

(9) For the restoration of an expired certificate for a barber college, \$50.00.

(10) For annual license for Barber Shop, no charge for shop operated by one barber, \$10.00 for shop operated by two bar-

bers; and \$5.00 additional fee for each additional barber or apprentice in such shop.

(11) For the issuance of any duplicate certificate, \$1.00.

Section 12: Every holder of a certificate of registration shall display same in a conspicuous place adjacent or or near his work chair in his place of employment.

Section 13: Receipts and expenses of Board: All money, funds, and other receipts received by the Board shall be deposited in a depository which shall be a bank within the State designated by the Board. Such funds shall be expended for carrying out the purpose of the Act and may be withdrawn on order of the Executive Officer of the Board. All such money and funds and other receipts are hereby appropriated for use of the Board for the necessary and proper expenses of the Board and for carrying out the purposes of this Act. The accounts of the Board shall be examined annually by the office of the Chief Examiner of Public Accounts of the State of Alabama.

Section 14: There is hereby created the Alabama Board of Barber Examiners, to consist of five (5) persons. Such Board shall be appointed by the Governor of the State of Alabama, one person appointed for the term of one year, one person for a term of two years, one person for a term of three years, one person for a term of four years and one person for a term of five years and until their successors are appointed and qualified.

Each member of said Board shall be a practicing registered barber, who has followed the occupation of barbering for five continuous years in Alabama prior to his appointment.

The succeeding members of said Board shall serve for five (5) years. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the Board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. Said Board may do all things necessary and convenient for enforcing the provisions of this Act. They may from time to time promulgate necessary rules and regulations compatible with the provisions of this Act, and the State Board of Health.

OFFICERS OF THE BOARD: The members of the Board shall annually elect from among their numbers a president, a vice-president and appoint an executive secretary. The executive secretary need not be a member of the Board. The Board shall be empowered to employ adequate personnel to properly enforce the provisions of this Act. The compensation of said personnel shall be paid out of the funds received by the Board. All employees of the Board shall serve at the pleasure of the

Board. The executive Secretary and all employees that handle money before entering upon the discharge of his duties, shall file with the Treasurer of the State of Alabama, a good and sufficient bond in the penal sum of \$10,000, payable to the State of Alabama, to insure the faithful performance of his or her duties as such executive secretary, and the premium on such bond shall be paid out of the funds of the Board.

The executive secretary of the Board shall be paid a salary as determined by the Board, to be paid semi-monthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his official duties, when properly vouchered and authorized by the Board.

Each member of the Board shall receive compensation fixed by the Board, not to exceed \$40.00 per diem while engaged in the discharge of his official duties and necessary expenses plus 10c a mile for necessary travel involved in such official duties, not to exceed 30 days in any one calendar year.

The compensation and expenses as herein provided and other expenses authorized by this Act shall be paid from the fund derived from the operation of this Act.

The Board shall meet in the City of Montgomery, Alabama, on the second Monday in January, April, July and October of each year, and at such other times and places as the Board may direct. The majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall prescribe rules for its government and have a seal with which to authenticate its Acts.

The said Board shall keep a permanent record of its proceedings. It shall keep a register of applications for certificate or licenses showing the name of the applicant, the name and location of his or her place of occupation or business and whether the applicant was granted or refused a license. The books and records of the Board shall be prima facie evidence of the matters therein contained, which constitute public records and shall at all reasonable times be open for public inspection.

The State Board of Barber Examiners shall work with, seek the advice and cooperate with The State Health Department of all matters of sanitation in regards to inspection of Barber shops, barber school and barbers in the State of Alabama.

The State Board of Examiners shall work with, seek the advice and cooperate with the State Department of Education on matters of establishing education of applicants for barber schools or applicants for apprentice license, or applicants for a certificate as a journeyman barber.

Section 15. This act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation of barber shops or barber colleges equal to or higher than those provided herein, and such laws, codes, acts, or ordinances shall remain in their entirety in full force and effect.

Section 16. If any section or phrase of this Act is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Act.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 18. The provisions of this Act shall not apply to Limestone, Morgan, Conecuh or Wilcox Counties.

Approved August 19, 1971.

Time: 4:30 P.M.

Act No. 404

H. 1475—Merrill, Stewart, Burgess
AN ACT

Relating to counties having populations of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court of such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census, the judge of the county court shall have the power and authority to appoint a bailiff to serve such court. Each bailiff so appointed shall receive a salary in such amount as is fixed therefor by the judge but not to exceed \$600 per month. Such salary shall be payable in equal installments out of the treasury of the county upon the warrant of the president or chairman of the county commission or other like governing body of the County. Each bailiff so appointed shall hold office at the will and pleasure of the judge so appointing him and shall do and perform all the duties of the court which the law authorizes a constable to do.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1971.

Time: 12:25 P.M.

Act No. 405

H. 201—Headley

AN ACT

Proposing an amendment to the Constitution of Alabama to authorize the consolidation of county offices in Chilton County; and the regulation of costs and charges of courts in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Proposed Amendment

The Legislature may from time to time, by general or local law, fix, alter and regulate the fees, commissions, percentages, allowances and compensation to be charged and received by any official of Chilton County, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis, and provide that any and all fees, commissions, percentages or allowances charged or collected by them shall be paid into the county treasury. The Legislature may also from time to time, by general or local law, provide for the transfer of the duties, or a part of the duties, of one county officer of Chilton County to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

The Legislature may also, from time to time, by general, special or local laws, fix, regulate and alter the costs and charges of courts in Chilton County, and the method of disbursement thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration

of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 16, 1971.

Passed the Senate August 24, 1971.

Act No. 406

H. 1149—Williams

AN ACT

To propose an amendment to the Constitution of Alabama relative to the fees, commissions, percentages, allowances and compensation of the Judge of Probate and other County officers of Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Proposed Amendment

"The legislature may hereafter, from time to time, by general or local laws, fix, regulate, and alter the costs and charges of Courts in Jackson County and the fees, commissions, percentages, allowances, or salaries to be charged or received by any officer of Jackson County, including the method and basis of fixing their compensation and may place such officers on a salary, and provide that the fees, commissions, percentages, costs, and allowances collectible by such officers shall be paid into the treasury from which his salary shall be paid."

Section 2. An election upon the proposed amendment is ordered to be held on the First Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Ala-

bama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940, recompiled 1958).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each Courthouse and Post Office.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Constitutional Amendment.

Passed the House July 20, 1971.

Passed the Senate August 24, 1971.
